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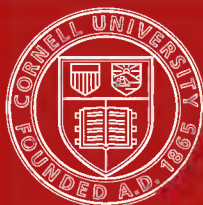
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The old court house:reminscences and an



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R. L. Carter.

THE
OLD COURT HOUSE:

REMINISCENCES AND ANECDOTES

— OF THE —

COURTS AND BAR OF CINCINNATI.

The Courts and Bar, *where-in-justice* was done! Ha! Ha!
—*Lawyer.*

Do not your juries give their verdict
As if they felt the cause—not heard it?

Besides, encounters at the bar
Were braver *then* than those in war.

Others believe no voice t' an organ
So sweet as lawyer's in his bar gown.
—*Hudibras.*

Change places, and handy-daody, which is the justice—which is the thief?
—*Shakespeare.*

—
Alt: d G W.
By *JUDGE CARTER.*
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CINCINNATI:
PETER G. THOMSON, PUBLISHER.
1880.

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1880.
PETER G. THOMSON.

Dedication.

To my fellow lawyers and to my fellow-citizens, these
brief, facetious pages are respectfully dedicated,
and most earnestly devoted,—for their
pleasure,—at their leisure.

And I am theirs, truly,

The Author.

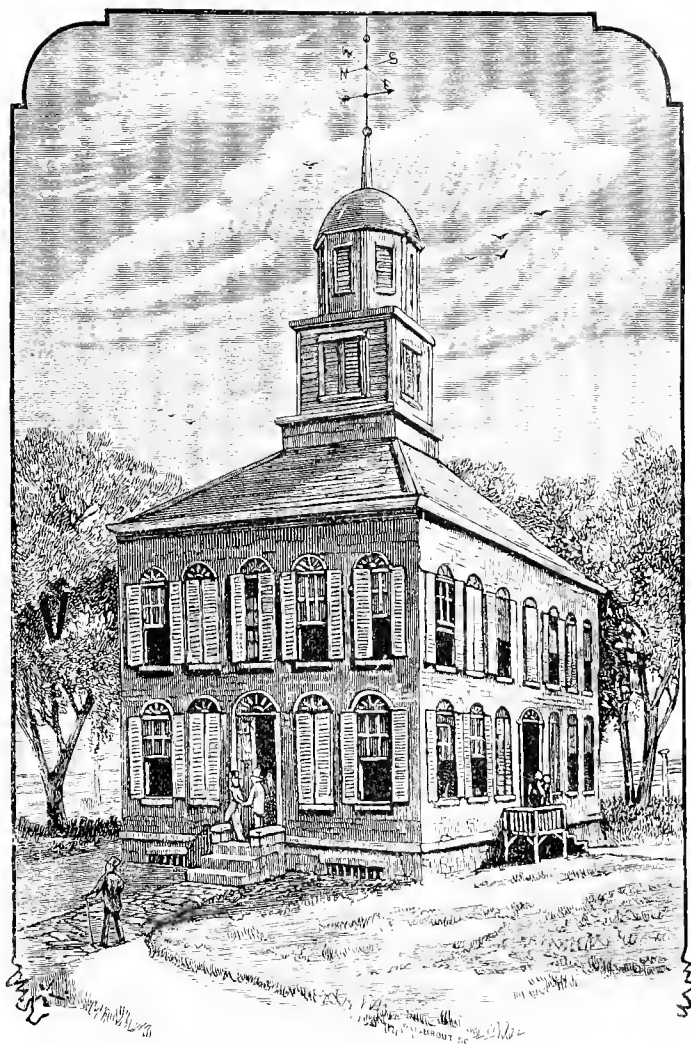
Cincinnati, May 1st, 1880.

PREFACE.

This book is, as it is—without profession or pretension. Its purpose is full, and fulfilled in showing mostly the sunny, or funny side of the old court house—only this, and nothing more.

THE AUTHOR.

Cincinnati, May 1st, 1880.



THE OLD COURT HOUSE

REMINISCENCES AND ANECDOTES.

“ We will revive those times, and in our memories
Preserve and still keep fresh, like flowers in water,
Those happier days.”

THE OLD COURT HOUSE.

It is our duty, perhaps, as it is certainly our pleasure, to give a brief description of the old court house, in which, and about and around which, so many of our recollections cluster, and so many of the incidents, which we are about to relate, occurred. It was completed in its erection and building at the close of the year 1819, several years having elapsed from its commencement ; and it was then occupied by the Bench and the Bar—the chief subjects of our stories. It was situated, itself and appurtenances, on a circular plat of ground about two hundred feet in diameter—just where our present modern court house stands. It was a substantial and spacious structure, about sixty-two feet in length, east and west, and fifty-six feet in breadth north and south, and elevated to the cornice, fifty feet, to the summit of the dome or cupola on the center of the uprising, four-sided roof, one hundred and twenty feet, and to the top of the spire, one hundred and sixty feet. It contained two fire-proof rooms in which the clerk of the Court of Common Pleas and the Supreme Court, and the Recorder of Deeds kept their offices. On the first floor over the basement was a large, spacious and commodious court room, finished and furnished in a style of much neatness and even elegance

for days of yore. This great room extended the whole length of the building, and was near thirty feet in width. On the north side of the court room, before large windows, was the large elevated bench for the judges, and here the presiding judge and his three associates sat, and judged, and administered justice according to the law. Immediately before the bench, was the lawyers' long table, and at each end, was the clerk's and the sheriff's places, or desks. The place for the lawyers, or bar of the court room was separated from the auditory by a long, open, heavy colonnaded balustrade, about four feet high, reaching the whole length of the room, and entered by a gate attended by the janitor, who sat in a chair by it, and faithfully attended, that no intruders should enter the sacred precincts without leave or license. The space outside and south of the bar was devoted to spectators, being open in front and having benches under the gallery for the accommodation of those who had business in, and before the Court, and who sat in anxious expectation, awaiting call by their lawyers. Above, extending the whole length of the room was a large enclosed gallery filled with seats, also for the accommodation of the people, when anything very important was going on, which attracted crowds to the court house. This gallery, was supported by some half a dozen columns underneath in front,—and the ceiling of the court room under a large beam or cross-piece, was supported by one very large Corinthian capped column, and this stood on a large frame work pedestal, built on the floor. The jury so much in use in the courts, were accommodated with some fixed arm-chairs away from the lawyers' table, and just beyond the whitened large column, and were thus in position to be conveniently addressed by the lawyers and by the court. Immediately before the judges' long bench

on the balustrade of the bar, about the middle of it, was placed the prisoners' dock, or box, an elevated, open worked, enclosed, white painted platform, with a long seat, sufficient to accommodate six or eight prisoners; and being as high as the bench of the judges, and in juxtaposition to it—it was so conspicuous, that it was a continued and continuous eye-sore to judges, lawyers and citizens and an ugly displayed pillory for the poor-devil prisoners who were placed in it at times, and became the closely observed of all observers. The floor of the old court room within the bar, was usually covered with a large striped rag carpet, and this was strewn over hither and thither, with huge spittoons, for the accommodation of those of the bar and others, who had the habit of chewing tobacco, and they were numerous. The court room was well lighted and well ventilated, having three or four large windows thirteen feet long by five feet wide, on each end, and seven similar ones on the north side. At the east end was a large chimney, and in it a huge fire place, which, when containing a large fire, as it always did in the winter time, kept things considerably warm around about, and besides this, near the centre of the room was a very large old fashioned rectangular stove, with large extended pipe, so that there was no complaint of cold, when fires were completely on, and the old sergeant-at-arms was in good health, and all about. This room, the only court room in the building at first, was a very spacious, convenient and commodious one for all the purposes of law and justice and we doubt if there were many better court rooms in the land. For thirty years, it proved sufficient and capable and as one room with others, would have been quite so to-day for all purposes of bench, bar and people. The old people as well as the old judges and the lawyers took

much pride in the old court room. Afterwards, about the year 1838, there was another smaller court room constructed in the old court house. This was in the second story immediately above the one described, and was occupied by a new court which the exigency of the times seemed to require, called the Superior Court and now remembered as the old Superior Court. The old court house also contained a Sheriff's office, not very large but convenient in its arrangement on the south-west corner, and a County Commissioners' office, and a grand jury room, and several other jury rooms. The great building had three large outside doors on the east, on the west, and on the south sides, opening out into stoops with stone steps to the ground on the east and west, and wooden porch and steps on the south side. The number of its large windows in its walls above and below and on every side was about fifty, and all these were ornamented with the old fashioned green venetian blinds; while the outside walls of the court house were painted a pale cream, or nearly white color—giving to the building a marked, distinctive, and even beautiful appearance as seen from every side, especially as it was adorned with a large central square dome erected on the middle of the ascending four-sided roof, and this dome surmounted by a cupola with green venetian blind windows, and a tall spire above it, with long gilded vane, and the four cardinal points on it with gilded letters, N. S. E. W. and two huge balls above and below, all shining in luminous gold. In former days no court house could be built and exist and live without a steeple.

“Saint Patrick was a gentleman,
And came from *dacent poble*,
He built a church in Dublin town,
And on it placed a *staple*.”

And as with the churches, so with the court houses of former days, they were literally nothing without a spire for aspiring minds. They were of no account without a "staple" for the stable, staple and steeping ambition of young, fledged lawyers, whose flights might reach its highest pinnacle.

The dome, spire, and steeple of the old court house were the tallest of the kind in ye ancient days, and commanded the admiration, and almost the adoration, of the old people; and the old court house was the centre of attraction for the judges, the lawyers, and the people.

As the old court house was the centre of attraction, so it stood in the centre of a large circular plat of ground, with the streets forming a capacious way all around. On the periphery, or circumference, was erected a white painted rail fence, with four ornamented gates to the yard of the court house, one on each side, with the cardinal points. The yard within was sodded with green grass, slanting, and inclining from the basement walls of the court house, and adorned in neat and orderly manner with locust trees and shrubbery, and from each of the gates there were wide pathways leading to the court house doors, and one or two of these were paved with large flat flagstones. So that the "circular square" of the court house had quite a beautiful and attractive appearance. After some years, the necessities of increased business requiring it, there were two separate buildings erected on Main street on the front line of the square, one north and one south of the line of the court house, the former one occupied by the Treasurer, Auditor, and County Commissioner's offices, and the latter by the offices of the Clerk of the Court of Common Pleas and the County Surveyor; and these were quite neat and eligible build-

ings for their purposes, adorned with side covered porticos as they were, and flights of steps leading up to them over the offices in the first or basement story. They of course, added much to the importance and attraction of the court house square, and converted the shape of the grounds from a circle to a larger segment of a circle. The large plat of ground upon which the old court house and its appertaining surroundings stood, was given to the county of Hamilton for the purposes of a court house and county offices, by Jesse Hunt, an old, respected, opulent pioneer public-spirited citizen of Cincinnati, and the grandfather of our present United States Senator, Hon. George H. Pendleton, on the mother's side—about the year 1814 or 1815. But at that time the grounds were considered far out of town, and it was some time before the minds of the citizens of the city could be brought to any unanimity on the subject of locating the public buildings of the county there, so far off from the limits of the stores and dwellings of the town. But at last, the gift was accepted, and operations were commenced for the erection of the court house, and they dragged their slow length along, and it was not until the close of the year 1819 that the court house was completely finished and ready for full occupation, and then it was occupied; and then commenced the proper, prosperous and profound history of the old court house.

In the afternoon of Monday, July 9th, 1849, this old and noble structure burned up, or down, and nothing was left of it but its thick blackened walls, and they had been made and builded to last forever. Fire was communicated to it by a neighboring pork house conflagration on a warm summer's day. It caught on its exposed tinder roof and cupola, and soon roof, dome, cupola, spire, and steeple were writhed, and enveloped in smoke and

flames. I remember intently gazing at the surrounding wrapping, warping, writhing, enclosing flames from the immense roof, and these, whirring, whirling and curling and leaping amidst the densest black smoke from the now fired frame-work of the dome and steeple, presented a flaming and famous scene for a painter.

Dome, spire and steeple and roof, soon fell with a tremendous crash into the midst of the enclosing and enveloping walls, which were only blackened, and not injured in their structure by the fire, in the least; and they stood for a long while a sort of ruined monument of former justice and law, for lawyers "to look and admire—rere-rere" and citizens to gaze on and wonder at what had been done for so many long years within those now blackened, scorched, and charred walls. During the burning of the roof and dome and tower of the old court house, it was a very curious and interesting sight to see numerous doves or pigeons flying in extended circles about the flames, as near as the fierce heat would permit them. The cupola had been a long-time home for the pigeons of the city. There they had been reared themselves, and there they had been in turn, raising their young—many of whom no doubt perished in the flames; and the now devouring flames, they encircled and encircled in their lofty flight in the air—apparently, like the dove of old, without a place whereon to set their feet. It was indeed a sort of romantic tableau. The old court house it seems, was the home of the pigeons as well as the judges and the lawyers, *et illud omne genus*. It was a great old court house, and had a great history in its eventful days. Sorry to part with it.

And so this was the old court house built more than sixty years ago, and burning down in the year 1849, and

none then so poor as to do it further reverence. It seemed at that time to have outlived its usefulness, and when it caught fire on the combustible roof, on the afternoon of the daytime, none of the fire companies would even lend a hand to put it out, every one about, remarking: "Oh let the old thing go, we will only protect the surrounding property." Cincinnati was putting on its *tremendous* growth then, and all the people wanted a new court house, and could not get one, while the old one stood up in its ancient greatness and grandeur. Of course every thing in the way of records and documents, and papers of value, was preserved from the fire, and this was about all that was looked to. The grand jury were in session in their room in the second story, just at the time the cupola and roof of the old court house caught fire from the sparks of the near conflagration, and the Prosecuting Attorney, was with them, examining witnesses. At the general alarm we, of course, quickly dispersed, and I looked to it that all the indictments were thrust into my *green bag*, and that, held safely in my hands. Indeed, there was little or nothing of value lost, everybody was concerned that there should not be, except, perhaps, the poor prisoners under commitment in jail; and this reminds me, that the old jail in those days was situated upon Sycamore street, clear away from the court house, north of the Miami Canal. It was a long, dingy old brick concern, standing a long way back from the street, and as dirty and filthy a place as one would for any reason desire to see, as I well knew from the experience I was compelled to have in my official duties.

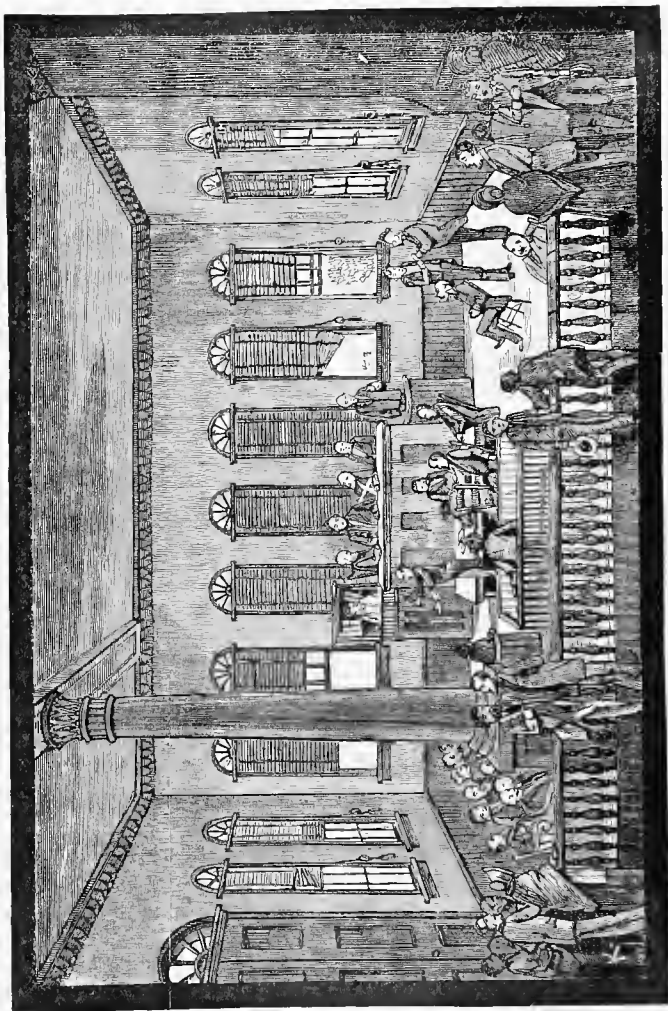
Cincinnati has had some five different places for its public business, as the county seat of Hamilton county. Its first court house and jail were built on the first old

public square—given and dedicated to the public by Denman, Patterson, and Ludlow, the original proprietors of the plat of the town. This old first public square was that bounded by Fourth and Fifth street, and Main and Walnut streets, and should have been kept and preserved, as the great, and principal public square. The first court house and county offices, and the jail were situated on the north half of that old square, facing Fifth street, and towards Main street, while the south half of the square separated from the north by a wide alley, was occupied by a Presbyterian meeting-house, and graveyard towards Main street, and a school house, or college, near the corner of Fourth and Walnut streets. My father has often told me about this first old court house and jail, and he told me too, that there used to be a public *whipping-post* before the jail on Fifth street, at which the petty offenders were whipped with a *cat-o'-nine-tails*, for punishment. So we see, the State of Ohio was once not behind the little State of Delaware, and Cincinnati once was as far back as Wilmington is now. Half of this once *public* square has been literally usurped in ownership, by the First Presbyterian Church, and the Cincinnati College by the right *only* of more than twenty-one years' adverse possession, as the judges of the District Court of this county were once compelled reluctantly to decide; and the other half has been usurped by Hamilton county as against the *whole* public, and it now receives a paltry ground rental from the many and various perpetual leaseholders who privately occupy it. Alas! for the law! Alas! for justice! Alas for the great public! The first court house and jail were burned to the ground in the year 1814, the fire having been occasioned by the carelessness of the soldiers who were

stationed in the court house building, and were using it as a barracks in the absence of other quarters, during the last war with England. This necessitated the building of another court house and county offices for Hamilton county, and Mr. Hunt's offer and gift being accepted, we had the second court house as we have described, and this now to us, was and is the old court house, about and around which are clustered, and thence radiated, our reminiscences and anecdotes.

THE JUDGES AND THE LAWYERS OF THE
OLD COURT HOUSE.

In presenting the names of the judges, officers, and lawyers of the old court house, we will confine ourselves to it, and its history, neither going in years back of its construction, or following after its destruction, for what we shall talk about and tell about, will be for the most part, of and concerning the old court house, and we will find as much as we can do, to attend to that, in our recollections and reminiscences. Judge Jacob Burnet, as he was called, after he became a judge of the Supreme Court, was a very early lawyer of the Ohio bar. Having come to the city of Cincinnati from the State of New Jersey, toward the close of the last century, and engaging in very early practice of the law in our courts, and becoming one of the most expert and learned, and able lawyers of the bar, he may justly be esteemed the pioneer lawyer of the old court house, and his name deservedly stands at the head of the list of its members of the bar. Next to him, perhaps, we may place William Henry Harrison, not however, because he ever distinguished himself as a great lawyer, or ever won any distinction as such, but because he was a member of the bar of the old court house, one of the first governors of the North



THE OLD COURT ROOM

Western Territory, a Major General in the United States Army, and the hero of Tippecanoe, and a United States Senator from Ohio;—and afterwards President of the United States—being elected to that exalted position while he was the clerk of the Court of Common Pleas of the old court house.

FIRST LAWYERS OF THE OLD COURT HOUSE.

The *members of the bar* of the old court house in the year 1819, the year in which it was completed and finished, were as follows: (and this is an accurate catalogue, we trust.)

Jacob Burnet.	William M. Worthington.
Thomas Clark.	William Henry Harrison.
David Shepherd.	Francis A. Blake.
William Corry.	Nathaniel Wright.
Elisha Hotchkiss.	Nicholas Longworth.
Samuel Q. Richardson.	Samuel Todd.
James W. Gazlay.	Nathaniel G. Pendleton.
Chauncey Whittlesey.	Benjamin M. Piatt.
Richard S. Wheatley.	David K. Este.
Joseph S. Benham.	Thomas P. Eskridge.
David Wade.	John Lee Williams.
Hugh McDougal.	Stephen Sedgwick.
Nathan Guilford.	Daniel Roe.

Bellamy Storer.

Just twenty-seven lawyers all told, to a population of over ten thousand souls.

The Judges of the Court of Common Pleas in the old Court House, in the year 1819, were—

President Judge—George P. Torrence ; *Associates*—Othniel Looker, James Silvers, and John C. Short.

The Officers of the Court were—

Prosecuting Attorney—David Wade ; *Clerk*—Daniel Gano ; *Sheriff*—Richard Ayres ; *Coroner*—William Butler ; *Jailor*—Samuel Cunningham.

The Judges of the Supreme Court of the State of Ohio in 1819, two of whom occupied the bench of the old court room of the old court house, at least once a year, were : Calvin Pease, Jessup N. Couch, John McLean, and Peter Hitchcock ; and Daniel Gano, clerk of the Court of Common Pleas, was also their clerk.

These, then, were the court and the bar in the beginning of the existence of the old court house, and they were an excellent court and bar, as good as, if not better than those of any other court house in the West at that time. Many of the names in the list became quite distinguished and some of them of national repute. The names of Burnet, Harrison, McLean, Gazlay, Pendleton, Benham and Storer arose to national importance, while those of nearly all the rest had much local reputation and distinction.

BENCH AND BAR IN 1825.

But we will also give the names of the judges and the lawyers of the year 1825, for with some of them we will have something to do in our reminiscences ; and we wish to show, too, the change and increase of the bar and court, from time to time, of the old court house. For the view of our brethren of the bar and others who may be interested, and for present and future reference, we will put down in black and white, the judges and officers of the courts, and the lawyers of the bar of the old court house, in the year 1825. Here they are—

Judges of the Supreme Court of Ohio—Calvin Pease, chief justice ; Peter Hitchcock, Jacob Burnet, and Charles R. Sherman.

Judges of our Court of Common Pleas—George P. Torrence, president judge ; *Associates*—Peter Bell, Patrick Smith, and John Jolley ; *Clerk*—Daniel Gano ; *Sheriff*—William Ruffin ; *Prosecuting Attorney*—David Wade.

Members of the Bar—Joseph S. Benham, William Brackenridge, Moses Brooks, William Corry, Edward L. Drake, David K. Este, Samuel Findlay, Charles Fox, James W. Gazlay, William Greene, Nathan Guilford, E. S. Haines, Charles Hammond, Elijah Hayward, Wm. H. Harrison, Sr., Wm. H. Harrison, Jr., John Henderson, Jesse Kimball, Samuel Lewis, Nicholas Longworth, J. S. Lytle, Jacob Madeira, Hugh McDougal, Samuel R. Miller, Nathaniel G. Pendleton, Benjamin M. Piatt, Jacob Wykoff Piatt, Benjamin F. Powers, Daniel Roe, David Shepherd, Arthur St. Clair, Dan Stone, Bellamy Storer, Daniel Van Matre, David Wade, Elmore W. Williams, Isaiah Wing, John G. Worthington, and Nathaniel Wright—just thirty-nine in all, an increase in number of twelve, since the first days of the old court house. Among this list, however, there are absent eleven names of the former list of 1819. What became of their owners in the meantime,—absent, or deceased—we know not ; but by this we glean, that there were twenty-four new lawyers added to the old court house bar, in 1825.

BENCH AND BAR OF 1831.

We will add the judges and lawyers of the year 1831, for view, review, and reference, as they were all of the times of the old court house.

Judges of the Supreme Court—Peter Hitchcock,

chief justice ; Joshua Collett, John C. Wright, and Ebenezer Lane.

Judges of the Court of Common Pleas—George P. Torrence, President Judge ; *Associates*—Enos Woodruff, Samuel Rees, and Thomas Henderson ; *Prosecuting Attorney*—Daniel Van Matre ; *Sheriff*—Ebenezer Hulse ; *Clerk*—Daniel Gano.

Members of the Bar in 1831—Jacob Burnet, Isaac G. Burnet, David K. Este, N. Longworth, William Corry, Joseph S. Benham, B. Ames, James W. Gazlay, Nathaniel Wright, Samuel Lewis, Daniel J. Caswell, Henry Starr, Benjamin Drake, William R. Morris, John G. Worthington, Benjamin F. Powers, E. S. Haines, Daniel Van Matre, David Wade, Jephtha D. Garrard, Bellamy Storer, Charles Fox, Moses Brooks, Hugh Peters, James Southgate, J. S. Lytle, Benjamin B. Fessenden, Vachel Worthington, Thomas Longworth, James F. Conover, Thomas J. Strait, Salmon P. Chase, Daniel H. Hawes, Thomas Morehead, Robert T. Lytle, Rufus Hodges, Jesse Kimball, Adam N. Riddle, Jacob Wykoff Piatt, Harvey Hall, Benjamin E. Bliss, Dan Stone, H. S. Kile, Samuel Yorke Atlee, Frederick W. Thomas, Isaiah Wing, William Greene, Talbot Jones, Stephen J. Fales, Nathaniel G. Pendleton, Edward Woodruff, Henry E. Spencer, Henry P. Gaines, Samuel Findlay, Henry Orne, John M. Goodenow, and Timothy Walker. Just fifty-seven in all—an increase in number of eighteen, since 1825—to a population of twenty-four thousand.

Of all the above lists of names of judges and lawyers, we know of but four owners of them, now in 1880, surviving. These are Charles Fox, Henry E. Spencer, Edward Woodruff, and Samuel Yorke Atlee, all in venerable age, and the first and oldest, Charles Fox, over

eighty years of age, still practicing law with almost the energy and vim of a young limb of the law. He is, beyond all question, the Nestor of our present bar, and has done more legal business, and has had more legal experience as a lawyer and, for a time, as a judge, than any lawyer we know of. He has made several fortunes in money during his industrious life, but has lost them in speculations outside of law business, and now finds himself, in his old age, compelled, as he says "to practice before the courts." Samuel Yorke Atlee, we are informed, is now in his age, residing in Washington City; and Mr. Spencer and Judge Woodruff have long since quit the practice of the law, and are living in this city and spending their age in repose. Nearly half a century of time has gone by, and taken with it all but four persons of those whose names are in the list of lawyers of 1831.

BENCH AND BAR AFTER 1831 TO 1849.

We shall now add names of those who became and were members of the bar of the old court house since the year 1831—as we remember them—up to the year 1848 or 1849, so that we may complete, so far as we are able, the catalogue of names of the bar of the old court house. Here they are, omitting the names we have already given. As will be seen, they are quite numerous.

George W. Allen, Charles Anderson, Larz Anderson, John W. Applegate, William C. Barr, C. P. Baymiller, James Boyle, Charles Bohne, J. Blackburn, Wm. G. Birney, C. P. Bishop, William K. Bond, Joshua H. Bates, Henry B. Brown, D. V. Bradford, Charles D. Brush, A. L. Brigham, Charles H. Brough, John Brough, Peter Bell, Augustus Brown, Milton N. McLain, Natha-

niel McLean, J. S. Brown, C. S. Bryant, Jacob Burnet, Jr., Ed. Harrington, Wm. B. Caldwell, Samuel F. Cary, L. Carneal, Jno. Collins, S. S. Carpenter, A. G. W. Carter, Sam'l S. Cox, Jno. W. Caldwell, William Bebb, Charles L. Telford, M. Chapin, Flamen Ball, Stephen Clark, A. D. Coombs, M. Coombs, William M. Corry, Edward P. Cranch, J. R. Gitchell, S. F. Howe, J. T. Crapsey, N. Cutter, Jac. H. Clemmer, S. C. Carroll, Doddridge & Ramsey, T. B. Drinker, A. R. Dutton, J. H. Ewing, Sam'l Eels, Jas. J. Faran, Ira D. French, Jacob Flinn, Jozaf Freon, William T. Forrest, F. A. Foster, Timothy D. Lincoln, Frederick D. Lincoln, John Frazer, Thos. J. Gallagher, C. W. Grames, H. H. Goodman, Frederick Colton, William S. Groesbeck, Herman Groesbeck, Jno. H. Groesbeck, Benj. F. Gurley, A. S. Hanks, Samuel M. Hart, Jordan A. Pugh, George E. Pugh, Thos. J. Henderson, Jos. Howard, D. P. Hull, Chas. P. James, M. W. Oliver, William Johnson, Jere. Jones, John Jolliffe, Wm. Rankin, Talbot Jones, Ed. Kenna, Edward King, Rufus King, Othniel Looker, W. M. McCarty, Alex. H. McGuffey, Edward D. Mansfield, O. M. Mitchell, Ab. E. Gwynne, J. F. Meline, Patrick McGroarty, W. P. Miller, Thos. G. Mitchell, Charles D. Coffin, Thos. Morris, E. B. Reeder, N. B. Rariden, C. Olney, George H. Pendleton, William Phillips, Jr., Donn Piatt, J. L. Pendery, C. S. Pomeroy, Thomas Powell, Andrew J. Pruden, Frank Chambers, D. Quinn, Raymond & Dumhoff, Ed. C. Roll, James Riley, H. Roedter, R. W. Russel, Jas. W. Ryland, J. L. Scott, T. C. H. Smith, Henry Snow, J. B. McClymon, J. E. Egly, C. Hilts, Oliver Brown, Alex. Paddack, J. B. Coverdale, Nelson Cross, Joseph Cox, S. F. Black, John B. Stallo, William McMaster, Oliver M. Spencer, J. W. Shields,

Richard M. Corwine, Jno. W. Herron, Isaac C. Collins, J. M. Stuart, J. Stille, Richard H. Stone, Llewellyn Gwynne, R. D. Handy, J. J. Collins, G. C. Perry, Jno. F. Hoy, Wm. Cunningham, Wm. W. Fosdick, Alphonso Taft, Thos. M. Key, Patrick Mallon, Jos. G. Gibbons, J. W. Taylor, C. Thorpe, J. M. Guitteau, W. Van Hamm, A. Van Hamm, P. J. Sullivan, P. Collins, Jno. B. Warren, W. H. Williams, Wm. Y. Gholson, W. S. Scarborough, J. P. Cornell, T. Woodruff, John Kebler, C. F. Dempsey, John C. Wright, Crafts J. Wright, Benj. T. Wright, Jno. L. Miner, J. McDougal, E. A. Ferguson, Chas. C. Murdock, Nat. C. Read, O. S. Lovell, Adam Hodge, Robt. B. Warden, George Hoadly, A. Miller, A. Ridgely, S. W. Irwin, G. W. Woodbury, J. H. Jones, E. P. Norton, F. W. Miller, Stephen Gano, J. G. Forman, Henry Morse, W. E. Bradbury, J. S. Singer, T. Hair, T. Bassford, M. Comstock, A. F. Park, Geo. H. Hilton, S. Hulse, Cal. Benham, E. L. Rice, J. B. Moorman, D. P. Jenkins, J. H. Getzendanner, Henry Gaines, Andrew McMicken, R. Beach, E. R. Badger, T. O. Prescott, J. B. Ray, M. Wilson, A. M. Mitchell, H. H. Smith, L. Bruen, David Lamb, R. S. Dean, A. H. Townley, J. Burt, Wm. M. McCormick, Robert W. Carroll, C. C. Pierce, F. C. Bocking, M. Johnson, M. T. Williamson, W. E. Gilmore, C. W. Gilmore, Robert S. Hamilton, C. A. Glass, A. Monroe, S. T. Wylie, J. M. Wilson, C. D. Brush, Thomas C. Ware, J. J. Layman, James S. White, George B. Hollister, J. Bloomfield Leake, Samuel J. Thompson, Peter Zinn, William Dennison, Alex. Todd, Geo. Ketchum, Nic. Headington, Stanley Matthews, Thomas Corwin, Rutherford B. Hayes.

In the year 1844, the Court of Common Pleas of the old court house was constituted as follows: *President*,

Judge—Wm. B. Caldwell; *Associates*—Henry Morse, Israel Brown, Robert Moore; *Prosecuting Attorney*—Charles H. Brough; *Clerk, pro tem*—James McMasters; *Sheriff*—John H. Gerard; *Deputy Sheriffs*—John L. Stalee, James Cooper, Thomas Weaver, and Charles J. W. Smith; *Coroner*—Charles Hales; *Sergeant-at-Arms*—Bernard Bradley. Afterwards, towards the closing days of the old court house, William B. Caldwell going upon the bench of the Supreme Court of the State, Charles H. Brough became *President Judge of the Court of Common Pleas*, with *Associates* Robert Moore, William Wissman and James Saffin, and the *Prosecuting Attorney* was A. G. W. Carter, and there was a change of some of the other officers from time to time.

Of all these lawyers, judges, and officers once in active practice, there are now perhaps about seventy living, and some of them not engaged in practicing law, but in other pursuits. Those who are living will without a peradventure of a doubt pleasantly remember the days of the old court house, and will, we hesitate not to say, be glad to have their memories pleasantly revived of the sayings and doings therein. We say *pleasantly* revived, because it is not at all the design and purpose of these pages to in any way, recount the serious and sombre sorrows, and sad belongings and appertainings of that old, memorable superstructure, but, setting down naught in malice, to view, for the most part, the sunny or funny side of the old court house, so that, in the revival of our pleasant memories, we may live over the sportive and facetious scenes and incidents, and thus, as we were wont to do at them, laugh and grow fat, and drive dullest care away.

SOME REFLECTIONS.

Perhaps there is no field more full of incident and anecdote, than that of our courts and bar—and this is essentially and necessarily so, for there, seem to come together and concentrate the general and particular interests of everybody, besides those of the judges and lawyers, and there as a matter of consequence, is more or less exhibited human nature in its strength and foible. There is certainly very little more exciting, and interesting than the trials of causes, and they present more sum and variety of human motive and action, than anything else we know of. Of course, in the doings and sayings of the courts and the bar, where so many human beings are necessarily concerned, there must be many scenes, incidents, and events, which, when told outside of court, become of immense and intense interest, and of story importance, to all hearers and readers. There are many such in the history of the court and bar of the old court house in Cincinnati, and if they were all gathered up, and written out, they would make a huge volume of literary interest. It is not the purpose at this time however, to gather up all the matter that could be furnished, but only to give in a plain, simple and artless manner, those incidents and anecdotes of the court and bar, which are mostly among the personal recollections and reminiscences of the writer, and for many of which he can himself avouch as—“*quarum pars fui.*”

“ That heart, methinks,
Were of strange mould, which kept no cherished print
Of earlier, happier times.”

Those earliest judges and lawyers whose names I have first given, were all more or less distinguished and of

importance. In those days Cincinnati was not so large, but it was a growing city—just incorporated into a city at the finishing construction of the old court house. Indeed it was *the* growing and progressing, and progressive city of the great West—and of course its *court* people were well known. The city did not take on its tremendous growth however, until some time after the beginnings and latest existence of the old court house ; when the reputation and distinction of lawyers were merged and swallowed up in numbers and competition. At that former time all these lawyers and judges known to all the ten, twenty and thirty thousand inhabitants of the city, stood out, not as common men, but rather as uncommon men ; but their names albeit, were common property, and are thus preserved to us, though they themselves have long since departed this life. They were a conspicuous set or body of men among their fellow-citizens—and were makers and leaders of public opinion, sentiment and action, and were looked up to as such, and approved, and admired, and respected, and regarded according to their ability, talent and merit—and these, in most of all of them, were more than ordinary, and in some, quite exalted and extraordinary.

LAWYER GAZLAY AND THE “DEMERARA TEAM.”

Of the earliest lawyers of the old court house, I remember well the talented and able lawyer, and scholarly and scientific gentleman, James W. Gazlay :—as I saw him and knew him in my boyhood days, when he was an aged and distinguished retired lawyer and scholar. He came from Dutchess county, New York State, to this city of Cincinnati about the year 1819, and immediately entered upon the practice of the law with

success. After a few years he got into politics, and in the memorable year 1824, when Jackson, Clay, the younger Adams and Crawford were voted for, for President of the United States, Mr. Gazlay was voted for, for member of Congress, by the people of Hamilton county, as a Jackson man, against General William Henry Harrison, long afterwards elected President of the United States, and he beat the General for the office, and was returned to the National Congress of the years 1825 and 1826. Mr. Gazlay as a Representative, and not a Representative, had his own peculiar strongheaded and obstinate ways, and when in Congress, contrary to the will of the people of Hamilton county, he voted against the celebrated LaFayette gift; a very popular move and measure of the year 1825, when LaFayette visited this country from France, and received such an ovation from the people of this country as never was accorded to man before or since. For this inopportune vote, Mr. Gazlay was defeated by the vote of the people when he presented himself for re-election to Congress, and he then left his party and the field of politics forever, and resumed his practice of the law: but never was he the popular man that he had been before his vote on the LaFayette question. I full well remember the reception of the great Frenchman LaFayette in this city, and I could describe many particulars, but they are not for these court and bar reminiscences. I will only say, that as a little boy, I personally, saw the sandy red-haired, full-faced illustrious Frenchman and American General, and hurraed for him, and well remember the fact. His great American popularity was the political death blow to our talented friend Gazlay the author in these parts of the "*Demerara Team*;" and turned, or rather returned him, from politician to lawyer.

In the days of the old court house, the Court of Common Pleas consisted of four judges sitting in a *row* upon the bench—long enough quite to accommodate them all, at their ease, in big arm-chairs—one president, or presiding judge, and his three associates. The first was always presumed, and assumed to be a lawyer, learned in the law; the latter having no presumption in their favor in that regard, but always plenty of assump-



THE DEMERARA TEAM

tion themselves! They were generally old, sober and sedate citizens who might have been once aldermen, or justices of the peace, or farmers, or shoemakers, or—what not?—chosen, by the Legislature of the State, to the bench to aid and help the presiding judge in his arduous legal duties by the infusion, once in a while, of a little, good, hard common sense. This, at all events, was the theory and motive and meaning of our forefather framers

of the constitution of 1802, who perhaps thought well, that the law, with its quilllets and quiddets, would mystify, alarm, and endanger the good people without some mixing in of every-day homespun experience of the common affairs of life; and so they provided three grains of common sense to one penny-worth of law!

In a full court, the business of litigation was mostly transacted by the presiding judge, either with, or without a jury, as the particular nature of the business required or was demanded by the lawyers, and it was not expected by any one that the associates would interfere—though they sometimes did interfere, and that, too, materially.

On one occasion, Lawyer Gazlay had a matter of legal importance before the full bench—a *quo warranto* or *mandamus* writ, or something of that sort, which he most anxiously desired the court to grant against certain defendants, and he pressed the matter before the court in full, with all the ardency of his nature. He convinced, by his legal eloquence, the presiding judge, who was that good old soul—though not very learned lawyer,—George P. Torrence, that he was right, and the presiding judge was about to grant the writ in his capacity of overruling judge; but the associates did not agree with him—not one of them—and, being a majority of the court, had the right to, and would have overruled Judge Torrence. So, in the dilemma, the good-natured presiding judge said to Mr. Gazlay, “we will take the papers, and the court will decide the matter to-morrow morning.” The morrow morning came, and the full court was in session, and lawyer Gazlay was present in patient expectation that the writ would be of course granted by the court, as yesterday the presiding judge was in his favor, and he was the only and sole judge of the law. But

what was his surprise when the presiding judge announced that "he had carefully examined the papers and was now convinced that the writ ought *not* to be granted, and *could* not be *legally* granted;" "but," said he, "my brother associates upon the bench are now convinced that *the writ ought to be granted*,—each and all of them; and thus, with the tables turned this morning, they still disagree with me: we will further consider this matter."

Gazlay—"But I want the writ granted *now*. It is a matter of prime necessity —."

Presiding Judge—"We cannot help that. I am convinced that you have no legal rights here, and I will convince my associates."

Gazlay—"But they are a majority of the court and they will now grant the writ."

Presiding Judge—"But I mean to convince them *my way*."

Gazlay—"They never will go *your way* in this matter. This court is a regular 'Demerara Team!'"

Presiding Judge—"What do you mean by that, brother *Gazlay*? what do you mean by that?"

Gazlay—"I mean what I say. *This court is a Demerara Team, composed of one mule and three jackasses*; when the mule wants to go, the jackasses won't, and when the jackasses want to move, the mule won't budge a step!"

Presiding Judge—"This is contempt of court, brother *Gazlay*, and I fine you ten dollars for contempt."

Gazlay—"No matter what you do—the *ass*-ociates will not go with you."

Presiding Judge—"Sit down, brother *Gazlay*; we will have no more of this. If we are a *Dam-error-ah* Team, drive on with your *man-dam-us*! We will hear you further in argument."

So, with the good humor produced by this jolly sally of the social and clever presiding judge, Mr. Gazlay went on with his case, and, after the fullest of arguments presented by him, the Demerara Team told him that they would grant him the writ of mandamus, preliminarily ; that he might drive on for a while, and then they would wait for the wagon on the other side. And this pleased all concerned, and settled matters.

From this early time forth, this term of "Demerara Team" adhered to the judges of the old Court of Common Pleas of the old court house all through its existence ; and many were the jokes perpetrated on account of it among the lawyers and between them and the judges, in and out of court. Some of the judges took them good-naturedly, while the dignity of others used to be quite offended ; and this reminds us that at a later day in the history of the old court house, this was told and remembered, and we will call it—

MORE, OR MOORE, ON THE "DEMERARA TEAM."

Judge Bob Moore was an associate judge of the old Court of Common Pleas in the latter days of its existence. With his brethren, Wiseman and Saffin, he used to have a good deal of fun on and about this matter of the "Demerara Team,"—for Judge Bob was given to fun and facetiousness, and it did him good to have fun with, and make fun of, his fellow associates, and he took occasion to do so perhaps too often, for he sometimes unwittingly gave offense to his brethren, who very much disliked to be thought or known as *asses*, or called *asses* even in joke or fun, though they were *ass*-sociates. But not so Moore ; he seemed to like it so well that he took pleasure in keeping up the joke on the bench at the ludi-

crous and sometimes ridiculous expense of his brethren ; and very often in the morning he would say to his brother associates, "Come, it is high time to *hitch up* ;—let us get into our harness and go on with our Demerara Team ;" and then, addressing the old deputy sheriff, Stalee, always at his post, he would say, "Come, Stalee, *drive on* the old team ; we are all *hitched up* and ready to start." Stalee, knowing exactly what he meant, would proceed, in his way, to open court after his stereotyped formula, and the Demerara Team would drive on.

The two judges associate often expostulated with facetious Bob, and would say to him : "This thing was too much, it was lowering the dignity of the Court." Whereupon Judge Bob would reply to them : "Come now brethren, the Demerara Team is a good thing ; let us drive on the wagon ; *we have no dignity to unload*." And then Judge Wiseman would say, half in anger : "You ought to think once in a while, brother Moore, that we are not all as *green* as you are. You are green Moore—*more* green than we are." Brother Bob lived in Green Township to be sure, but he was not so green after all, or green Moore or more green than his brethren, and despite of expostulation would, and did, keep up the Demerara Team joke for a long while, until he got ripely tired of it himself ;—and that was when the old funny Court of Common Pleas ceased to have existence.

THE LAMPOON DOGGEREL.

The old "Demerara Team" was even a standing saying, and became a standard joke among people outside of the bar, and outside of the Court, and court house. The newspapers of the city especially when they were a little mad at the doings of the Court, used fre-

quently to have the term in their columns, in the accounts of what was being done at court. In one of the newspapers, the "*Liberty Hall and Gazette*" of that day, I believe, was printed and published a lampooning doggerel about the old court of Common Pleas, which ran about thus, being published on New Year's day :

Old eighteen hundred and twenty-one :
We have seen its setting sun ;
And then, to keep time's course along,
Another year comes rolling on.

Judge G. P. T—, the mule—'tis clear —
Retains his seat another year :
On his right and left, three *asses* beam —
Which makes up the "Demerara Team."

GENERAL WILLIAM HENRY HARRISON, AND HIS TALENTED
SON, LAWYER WILLIAM HENRY HARRISON, JR.,
AND THE TAVERN LICENSE.

Almost as far as my memory goes back, and recollection serves me, William Henry Harrison, the hero of Tippecanoe, was clerk of the Court of Common Pleas of this county, and while in that office he was nominated by the Whig Convention, assembled at Harrisburg, Pennsylvania, in the year 1836, for the exalted office of President of the United States, and in 1840, that memorable year of the log-cabin, coon-skin and hard-cider campaign, having again been nominated by the Whig Convention, beating Henry Clay, he was triumphantly elected President of the United States against Martin Van Buren, the candidate of the Democracy. William Henry Harrison, son of Benjamin Harrison, one of the original signers of the Declaration of Independence, was born in Virginia, and from that

State became, by the appointment of the President, Governor of the Northwestern Territory, and afterward was distinguished as a Major General of the United States Army in the war of 1812, and then was a Senator of the United States from the State of Ohio. He was a member of the Cincinnati Bar, and from it, was made Clerk of the Common Pleas of Hamilton county by the appointment of the four judges then upon the bench, and from that humble office, took the great and long stride to the Presidency of the United States. He was one of my early recollections, and when I was a student at law in the office of Wright & Walker, many a time had I the pleasure of seeing and conversing with the old General, who frequently visited our office to counsel with his firm and fast friend, Judge John C. Wright, who was called by politicians in 1840, his "conscience keeper."

The General had a bright and brilliant son of the same name as himself, William Henry, who was also a member of our bar, and a talented one. But he was given to too much conviviality, as too many young men of great promise are, and he died young; but during his brief career as a lawyer he made quite an impression as an eloquent advocate, and was distinguished for his wit and humor. I remember an incident about him and our court and bar, although I was very young at the time it occurred, but it was duly preserved among the old lawyers, and often told by them.

In the time of the associate judges, all persons who desired to keep a tavern, inn, or hotel, were required by law to procure a yearly license from the court, and the duty of granting these licenses devolved upon the associates. during the first days of the regular terms of court. Of course, lawyers had to be employed to make the

application for license in due and legal form for their clients, and were reasonably paid for it, according to the purse of the applicant, and the character of his house. On one occasion, one Moses Bussel, a curious and woe-begone neighbor of lawyer Harrison, living in Miami township, near the town of Cleves, and of course quite near the North Bend residence of Harrison, wanted a renewal of license to keep a tavern on the Clevestown road, and duly employed William Henry Harrison, Jr., as his lawyer, without, however, presuming to pay his neighbor (Harrison) any fee. But Harrison was on time in court notwithstanding, with his client anxiously sitting beside him, and having his opportunity, he suddenly arose in his place at the bar and said :

“May it please the *ass*-ociates of this honorable court, I, this very dry morning, appear here on behalf of my very dry client, Moses Bussel, who presents this petition (holding it up,) for a renewal of license to keep a tavern on the Clevestown road, near my house, for one more year. In my experience I am ready to declare that Mr. Bussel is a good and moral citizen, but he can not pay a great deal for a license, for he has not paid me ! I know he is a very poor man, and keeps a *d—d poor tavern!*”

Mr. Harrison sat down somewhat unconscious of his whereabouts and his convivial sally, but there was quite a laugh on the bench, and a loud guffaw in the bar and outside. Recovering himself, old, gray-headed Judge Tom Henderson, chief of the associates, called out in stentorian voice, no doubt for the sake of example and precedent, “Mr. Clerk, enter upon the minutes a fine of ten dollars against Mr. Harrison for *swearing* in court.”

“Ain’t the court the proper place to *swear* in?” interposed Harrison from his seat. “Where else could I *swear*?”

“No interruption, Mr. Harrison, you’re in contempt of court,” continued Judge Henderson in a loud tone—but, slyly turning to the clerk beside him, said, *sotto voce*, “Remit that fine, Mr. Clerk, for the d—n wit of the thing.”

SOME REFLECTIONS.

So Harrison got off, and his client got his license for another year for his “poor” tavern. Conviviality was a *strong* point with some of the early lawyers, and some of the judges, too, for that matter. In their early days they had more time to devote to *otium cum dignitate*, and all social pleasures followed as a matter of course. Men knew each other, and liked and loved each other in those bygone times. They were not selfishly grabbing and grasping and rasping each other for the sake of gain or lucre. Money, comparatively, was a secondary consideration among the lawyers, and their offices did not smell so much of the trade and the shop as nowadays. Theirs was an honorable profession. Lawyers met in court and out of court as high-toned, honorable men, and though there might have been keen encounters, they were of legal wit and learning. The profession was then an honor and not a trade; lawyers were honest men and not legal knaves. So, for the sake of all this, if too much Bourbon got aboard once in a while, it was happily stowed away without much damage resulting to navigation, or from navigation.

JUDGE B—— AND THE CONVIVIALS.

There was once *the end* of an important and somewhat celebrated trial in chancery before the court by a compromise of the litigated matter among all the parties. There were more than a half-dozen of lawyers engaged in this trial, and when it was all over, an adjournment of the court and bar took place to the court and bar of the old Lafayette Hotel, on Main street, opposite the court house, kept by one of the pioneers of this city, by the name of Zebulon Byington. One or two of the judges and the half-dozen members of the bar concluded to have a right good time, so they left the bar of the inn and took a room above stairs, duly arranged and prepared by mine host, all to themselves. Of the lawyers, Judge B——, then practicing and not on the bench, was a boon companion, and he sat down with ease and dignity to the table of punch and good things. Of course, there was a feast of reason and a flow of soul, and a great filling and flow of bowl. The party, all of them, drank and drank, and they *drunk*, and after a while their chairs got too small and limited for some of them. They were discussing the Agrarian laws of ancient Rome, and, of course, they became gregarious, and much spirited argument and debate ensued on the *leveling* results of these laws. Finally, Judge B—— attempted to rise from his limited seat and explain fully his attitude on the subject, and show his attitude as a subject. “Gentlemen,” obtruded he—(“gen-tle”—*sotto voce* to himself, and holding on to the back of his chair as best he could—“gently, gen-tly, old b-o-y”). “But, gen-tle-men,—I object—I—I am no—no-no gregarian nor-gorgon! I”—suddenly the chair slipped from his slippery and unhandy fingers, and the noble Judge lay sprawling, spread out flat upon the floor.

“*By all the gods!*” exclaimed he, “*spirit-level!—spirit-level! by Jupiter! this is spirit level by all the Rum-an’ gods!*”

LAWYER BENHAM BEFORE THE COURT AND JURY.

The great and convivial Joseph Benham—I am reminded of—an eloquent advocate and an able lawyer. He was a large and portly man, standing near six feet in his shoes, and with large head and dark auburn flowing hair, broad shoulders, and capacious and “unbounded stomach,” covered by a large buff vest and a brown broad-cloth frock coat over it, and with a graceful and easy position and delivery. Before a jury he was indeed a picture to look upon. His voice was a deep basso, but melodious, and its ringing tones will never be forgotten by those who ever heard him. He sometimes spoke on politics out of the bar, in the open air, to his Whig friends and partisans, and then he was always able and eloquent. He was, also, I think, an editor of a Whig paper once, but it was at the bar he mostly distinguished himself. He was a Southerner, and had all the manners of the South of days of yore. He came to Cincinnati as a young and promising lawyer. The first time I ever saw him to know him, was in court, when he was speaking before a jury in some important case. I remember one thing he said: “Gentlemen of the jury,” said he, “to illustrate, suppose that I was worth a thousand dollars and had it all in my vest, which, with all due deference to you and the court and to myself, I suppose to be a very *un-supposable* case, and my legal adversary, by chicanery and false and fraudulent representation, should get it away from me, which, with the same deference to him, and the rest, I take to be a very *supposable* case, do

you think that I would not appeal to the intelligence of such a respectable and good-looking jury as you, to reinstate me [putting both his hands into his capacious vest pockets,] in my *vested* rights. As you would, without a doubt, rein-*vest* me, in such a likely case, so do likewise for my poor and impecunious client—reinvest him!

THE ORATOR BENHAM AND HIS CLASSICAL CITATION.

We have said, Benham of the old court house, was a great orator. He was so. He was sometimes classical in his quotation and citations, and like all orators in early days, he was quite fond of showing off his classical learning on opportunity. On one occasion in an eloquent argument at bar in the old court room in a case of homicide, he was much exercised over the feeling manifested by old prosecuting attorney David Wade, against the prisoner. The case had excited much feeling on one side, and the other in the community; some believing it was a murder, while others contended it was a plain case of self-defense. The prisoner had been a very respectable gentleman, and his victim had been also, and Benham was inviting the attention of the jury to this subject of feeling, and warning the jury to take no sides in this matter of feeling, but to decide upon the truth of the case, and Benham concluded: "Gentlemen of the jury, give up, drop entirely, all feeling in this important matter, and be like the ancient Roman in his adherence to the truth, who, in its defence, most eloquently declared, "*Amicus Cato, amicus Plato, amicus Cicero, sed major veritas.*" And Benham sat down. The next morning, on looking at the report of his eloquence in the newspaper, he found "Advocate Benham, the great orator, closed his great speech to the jury, by eloquently declaiming: "*I may*

cuss Cato, I may cuss Plato, I may cuss Cicero, said Major Verytas."

And wasn't the great orator mad! He stamped and danced, and *cussed*, and swore.

LAWYER BENHAM AND LA FAYETTE.

Lawyer Benham, Kentuckian that he was, was a great orator in and out of court. Before the people, he was, as theatrical people say, "immense." On the occasion of the visit of General La Fayette to Cincinnati in the month of May, in the year 1825, Joseph S. Benham was selected and appointed by the citizens to deliver the Address of Welcome to the great American Frenchman and French American; and well, exceedingly well, did he perform his part of the great ovation to the immortal La Fayette. It was upon the old court house grounds that Benham's great oration to La Fayette was pronounced before the most numerous concourse of people—men, women, and children—of this city and State, and from all parts of the West; and it was pronounced by the multitude with one accord, that the tribute of genuine eloquence to La Fayette was great and grand, and fully entitled Lawyer Benham to be enrolled among the chief orators of the land. The occasion was certainly a memorable one, and his selection to the position of orator of the occasion manifests, to us, in what eminent esteem the eloquence of Benham was held in those early days. He was of national repute as an orator.

LAWYER BENHAM ON LAWYER FLINN.

Any person who ever saw Jacob Flinn, Esq.—or Judge Flinn, as he was afterwards—will remember that a bigger man did not exist in court. He was over six

feet high, and of a very large physical frame, and he was as strong as an ox and stout as a bull. He began life as a farmer out in Columbia township, where he was born and reared, or better perhaps, raised, and he increased his strength and stalwartness by driving the plow as the plowing seasons used to come round. From the farm, after the usual study of the law, "Jake," as he used to be called, came to the bar, and in some respects he was as strong and stout, as a lawyer, as he had been as a farmer, and so Lawyer Benham found him.

He and Benham were, once upon a time, engaged on opposite sides in the trial of an important cause, and Flinn got a little the best of Benham, great and profound a lawyer as he was, for Flinn had the better side of the case, and was pretty sure to win. Benham was a big, burly man, too, nearly as big as Flinn, but he could have done nothing with Flinn in a wager of battle, so he was content to let Flinn push him to the wall without offering any absolute physical resistance; and it took all the wit and wisdom he had at command, too, to resist Jake, *intellectually*. At last, the testimony through, the arguments of counsel were heard. Benham, for the plaintiff, spoke first, and had the close in reply to Flinn. Flinn, for the defendant, in his big, brawny figure and form, and sweeping arms, spoke long and well, and Benham argued in reply, and thus concluded: "Gentlemen of the jury—

" 'Lo! the husbandman reaping!
How through his veins goes the life-current leaping.
How his strong arm, in its stalwart pride sweeping,
True as a sunbeam the swift sickle guides.'

"Lo! my learned opponent, Jacob Flinn! Learned in the law as he is, the plow and the sickle lost a strong man when Jake left them, for the bar—I mean *this* bar, not that one-over the way."

LAWYER NICK LONGWORTH AND HIS WAYS AND MEANS.

Of course, everybody has known, or read or heard of Nicholas Longworth, who stands among the first on the list of the earliest lawyers. He came to Cincinnati from Jersey in very early times, and commenced operations as a shoemaker, and afterwards studied law and was admitted to practice law at the earliest bar; but he did not practice law very much, though he was very capable, and possessed an acute and astute mentality, and he was always a good and clever gentleman, as singular and eccentric as he was sometimes. His position as a lawyer affording him great facilities, he became mostly engaged in property speculations, and eventually became by far the largest real estate holder in this city and in the Western country, and the richest man. He was, in a sense, the Cræsus of the West, for his wealth increased and increased so much in the great growth of Cincinnati, that he hardly knew what to do with it, and certainly did not know all he owned, and was not able to count, account, or recount it.

LAWYER NICHOLAS LONGWORTH AND THE JUDGE.

Nicholas Longworth used to practice law in the very early times of Cincinnati, but in later days, having grown so wealthy in lands, tenements, and hereditaments, he was not given so much to it, as to the practice of arithmetic. He was, emphatically, Cincinnati's millionaire, Cincinnati's rich man, Cincinnati's Astor, Vanderbilt, and Stewart combined, and for a rich man, though peculiar, particular, and eccentric, he was a good and clever man, both in the American and English sense. Not entirely deserting the bar, he was often seen in our courts, and one day he came into my court when I was upon the bench. There

happened to be a lull in the business before the court, and Mr. Longworth came forward to the bench to greet me, and speak to me. After salutations, I opened :

“Mr. Longworth, you seem to have quit entirely the practice of the law?”

Longworth—“Oh, no, not altogether. I come into court to *see* you once in a while. I practice that much, and that is about as much as some lawyers I wot of *practice* nowadays.”

Judge—“I suppose, Mr. Longworth, it takes all your time to attend to your own pressing affairs, as you have so much wealth?”

Longworth—“Well, it does, and after all, I am no better off than other folks—for I only get my victuals and clothes and a place to sleep—and sometimes not even that, I am so pressed with business. Wealth makes a man wroth as well as *worth*, though not always *worthy*; and deprives him of many comforts, and sometimes none so *poor* as the *rich* man.”

JUDGE ESTE, AND HIS EARLY BAR FESTIVITY, AND
BELLAMY STORER AND HIS CLASSICAL
WIT AND HIT.

Of the earliest members of the bar, no one, perhaps, stood better than David K. Este. He came to this city when it was a mere village, and entering upon the practice of the law, he soon made a success of it, and began to acquire property and wealth, which enhanced on his hands with the growth and progress of the town and city, until he became a very rich man, and remained so up to the day of his decease, which occurred within recent days, after he had passed more than fourscore years of life. Every one of our old citizens well remem-

bers Judge Este. He was made a judge of the old Superior Court of Cincinnati, in the year 1838, and continued on its bench, in the court room in the second story of the old court house, in much repute, as a good, impartial, and just judge, until the year 1845, when he resigned, chiefly on account of the inadequacy of his salary. It is related of the good judge—and honest man, however—that he was of very close and parsimonious likings and habits, and some humorous lawyers like Ben Fessenden, would say of him, that the judge would hold an old-fashioned United States silver quarter so closely and tightly between his thumb and forefinger, that he would make the eagle stamped thereon *scream out*, for very pain, from the squeezing! Be that as it may, it was remembered of the judge, that soon after he was elected and appointed Judge of the Superior Court by the Legislature of the State, he gave a party to the lawyers of the bar of the old court house, to celebrate the auspicious event, at his then palatial residence and grounds at the corner of Main and Ninth streets. All the lawyers from the known wealth of the judge, fully expected, and so noised around among themselves, that the party was to be a *wine* party, and they all would be gladdened and regaled with the finest aroma of the choicest—the very choicest of wines. The night of the party came on, and all the lawyers and the judges were on hand, and had a right good time. And now for the dining hall, and the refreshment table, and the expected choicest wines. The tables of the dining hall were not overloaded with good things, and when it came to the *drinkables*—instead of wine glasses, *glass tumblers* were abundant—one for each lawyer and judge, and into each of them was poured from duly uncorked bottles, *foaming good ale*! Oh! what a disappoint-

ment. "What *aïls* Este?" interrogated some of the lawyers. One skilled in Latin with glass of ale on hand, and in hand, exclaimed: "It is said, *in vino veritas*!" I wonder if it is equally true, or will become so to-night, *in cœcervisia, veritas?*" At last, classical Bellamy Storer taking a glass of ale up, and holding it aloft before the lawyers, oratorically apostrophized: "*Ecce vinum! Est Este vinum!! Esto vinum!!!*" which being liberally translated would be: "Behold the wine—it is *Este* wine. Be it, or let us suppose it to be *wine*!" Soon after the goodlye companie *ex necessitate*, dispensing with wine, dispersed, and went to their homes and beds to sleep, and with no headache in the morning—thanks to the economical judge; and the lawyers all blessed him, for that once, no doubt.

BLACK NAT PENDLETON AND TOM CORWIN.

Nathaniel G. Pendleton was one of the earliest lawyers of the old court house. He came here from Virginia in very early times, and married the daughter of Jesse Hunt, the original proprietor of the grounds of the old court house; and soon after had a good practice at the bar, and was once Prosecuting Attorney of this city. Besides being a lawyer, he gained some distinction as a politician, and in the log cabin, hard cider "Tippecanoe and Tyler, too," days of the year 1840, having been nominated by the Whig County Convention, as their candidate for Congress, he beat the old war-horse Democrat, Dr. Alexander Duncan, and took his seat in Congress, at Washington city, in 1841. I remember him well. He was a Virginian of the old school, and was regarded and respected by everybody as a complete and finished gentleman. He was distinguished by a dark and

swarthy complexion, almost like that of an Othello, and was quite as grand and dignified as the Moor of Venice, in all his ways.

Tom Corwin, though an early lawyer of the Ohio bar, mostly lived at Lebanon, and was not a member of the bar of the old court house until towards the end of its existence. Tom, too, was distinguished for being black and tawny like Nat and Othello; and when Pendleton was a candidate for Congress in the year 1840, Tom, the wagon-boy, as he was called by the political stumpers, was the Whig candidate for governor of Ohio. Tom and Nat, in the memorable campaign, made stump speeches frequently together, and they got quite a reputation as "*black Tom and Nat*," and it was hard to say which was the blacker of the two. On one occasion when they were stumping together, Tom Corwin, in his speech, told to the people, the following story :

"My fellow citizens," said he, "I am to be followed by my friend and politic and political brother, Pendleton. It has been quite a question, a subject of much discussion among the people here, which of us, was the darker horse. I had thought that question was settled long ago at the city of New Orleans, for my friend and brother Nat, and myself happened there, once upon a time, together; and we were engaged, as all strangers would be, in seeing the sights of that famous French-American city; and we came to a grand masquerade festivity, and it was night time of course, and at the ticket office we paid our money—I forgot which paid for the tickets—Nat or I—no matter now—and got our tickets. We proceeded up stairs, towards the grand hall, and at last, on the landing, got to the door and the doorkeeper. Pendleton preceded me, and handed the doorkeeper his ticket, and made his

way, advancing in. 'Stop—stop!' growled the Cerberus at the door, looking closely at Pendleton, 'you cannot go in here—colored people are not allowed to enter here! I, tremblingly the while, also handed the doorkeeper my ticket, and, after scanning me closely, he opened wide the door, and loudly and emphatically exclaimed, 'Oh, you can go in; you are a *white* man, you are, and not at all like that other fellow!' So, *I went in*, and *Pendleton staid out!* And this settled, I thought forever, the much mooted question. My friend here, *is* the darker horse!"

JUDGE STORER AND THE ABSENT COUNSELOR!

Bellamy Storer was one of the young, brilliant lawyers of the earliest bar of the old court house, and he lived up to within very recent times, having gone through with a most remarkable and distinguished career, as lawyer, Congressman, and, many years, judge of the second Superior Court in Cincinnati. A New England law fledgling, "away down in Maine," young Storer came to this city, or rather town, then, in the year 1817, and he at once hung out his shingle, and commenced the practice of the law, and soon met with deserved success, because of his legal learning, and oratorical ability. He held his own as a member of the old bar, with any of them, and was popular with them as he was with the masses of the people, on account of his talents, and genial ways and manners. He turned his attention to politics, and was such a popular Whig politician, that in the Veto year 1832, I think, he was elected a Whig member of Congress from Hamilton County, beating as an anti-Jackson man, for a great wonder, General Robert T. Lytle, an emphatic, ardent, fervent and unexampled Jackson man. After this one political success, he preferred to leave the

arena of politics, and for many years he resumed and continued the practice of the law, clear through the days of the old court house, and up to the time, 1854, when he was elected by the people of Cincinnati as one of the three judges of the new Superior Court. His career as a judge is so well known that it is perhaps needless to speak of it here. Lawyer and Judge Storer was particularly distinguished for much humor and facetiousness, and many was the joke he perpetrated orally, and practically. We have room now for only one, to show, perhaps, the character of all.

On one occasion, while on the bench, a case of importance was being tried before him, and on one side of it, Rufus King was attorney and counselor. The Court had just opened, the jury had been called, and had taken their seats in the jury-box, and the opposing lawyers were present, ready to proceed with the cause, but there was no attorney present for the plaintiff, who was represented by Mr. King. "Where, where is Mister King?" asked Judge Storer impatiently from the bench; "where is he? Mister Sheriff, call Mr. King—call the King—make proclamations for the King, he must give the court audience." At this a classical lawyer, an *amicus curiæ*, arose in his place in the bar, and modestly suggested to the Court that, as he came along the corridor, he had just "seen Mister King retire into the adjoining *cloaca*!" "Aha," exclaimed the judge, "call no more for the *Rufus*—the red King. Mister Sheriff, we are disposed no longer, in the language of Cicero—*Arce-m facere ex cloaca*! But we cannot wait, Mister Sheriff, go out immediately, and call in the *privy counselor*!"

The last sally set the whole bar, jury and audience in a roar, while the classical fun of the first part, kept the

Latin scholars of the bar in good spirit and humor for a whole week or more. Lawyer, or Judge, or plain Belamy Storer, could not afford to be humorous, or witty, without being at the same time classical, once in a while.

OTHER EARLIEST LAWYERS—JUDGE JOHN McLEAN.

Of the other members of the old first bar, we well remember the stalwart and great-looking John McLean, who came very early to this city from the State of New Jersey, I think, and soon became a distinguished man in Ohio, and was elected and appointed by the Legislature, one of our Supreme judges, and served long and well, occupying this position, as will be seen on reference to our list of Supreme judges, when the old court-house began. He became Post-master-General of the United States under General Jackson, and was then appointed and transferred by him to the bench of the Supreme Court of the United States, where he sat as an associate, up to the time of his last sickness and departure from this world. John McLean, was a good man, though never a very great man. He was for some time seemingly ambitious to become President of the United States, but in his ambition, he failed—he was not, and could not be a successful politician.

WILLIAM CORRY.

William Corry was an important man. He belonged to the quite early times of Cincinnati, and was a good lawyer, and a useful citizen. He was the first Mayor that Cincinnati ever had, having been appointed to that position in the year 1810, when Cincinnati was first incorporated into a town, and continuing in that position from term to term until the year 1819, when the town

became a city. He was the father of our present intellectual fellow citizen William M. Corry who succeeded his father in the practice of the law at an early day. I just remember Mr. William Corry. He had his dwelling, and law office in a large white frame building on the West side of Main street, numbered 217 in the days of my boyhood, and it was here where all his sons and daughter were born, and reared and maintained by the business of his office, in the same building.

DAVID WADE.

David Wade was born I think, in Cincinnati at a very early time. The Wades were early settlers here. At manhood, David became a successful lawyer, and was for a very long time Prosecuting Attorney of Hamilton county, and performed the duties of that onerous and responsible position, faithfully and diligently. I well remember him, and his interesting family, for they resided next door to us on Broadway for many years, and were highly and deservedly respected. Mr. Wade was a good man, a good lawyer, a good public prosecutor, and a useful citizen.

NATHAN GUILFORD.

Nathan Guilford, I remember well as an old, venerable and gray-headed man, when I was very young. He practiced at the bar of the old court house, and was one of our former distinguished citizens. He was in his later years more devoted to public education, and journalism, than the law; was editor of several good newspapers and a great promoter of common schools. He was a most worthy gentleman, and is held in pleasant memory by the pioneers who survive to-day.

ELISHA HOTCHKISS.

Elisha Hotchkiss was a portly, distinguished looking man, of extended repute. He was a lawyer, became justice of the peace, and afterwards was the mayor of Cincinnati. I well remember him as such, in my boyhood, for the mayor's office was directly under our school rooms in the same building, and I used to see the long gray locks of the venerable mayor, setting in his great chair of municipality, almost every day, in early times. He served for some time as the mayor, and was very much respected, in and out of office, by his fellow citizens.

NATHANIEL WRIGHT,

One of the best examples of a real and genuine lawyer of the old school and of the old bar, was Nathaniel Wright. He came in early times from the East to this city, thoroughly educated in academics, and in the law. He obtained, and maintained a good legal practice for many years, and unlike some of his fellows, never was diverted from, or went out of the way of his professional pursuits. He was strictly a lawyer, and because of this, he was reputed and relied upon, as a counselor, learned in the law, and became the adviser and mentor of many other lawyers. He was a rigid man in his moral and religious principles, and I doubt if anything was ever said, or could be said against him. His reputation as the soundest and safest of lawyers was much extended, and he was a great credit to the bar of early Cincinnati. He was the father of our present D. Thew Wright, lawyer and judge and good and clever fellow, and lived to venerable age, and died recently among us respected by every one.

BENJAMIN M. PIATT. DANIEL ROE. HUGH McDOUGAL.

Benjamin M. Piatt, a member of the earliest bar, belonged to the famous family of Cincinnati Piatts, and was a learned lawyer and a clever gentleman. He was in my boyhood memory, a lawyer much respected by all, and a gentleman of excellent parts and points. He was a worthy member of a worthy family.

Daniel Roe was a lawyer of some repute and good standing among his brethren; but in my young days I rather knew him as a preacher, preaching the doctrines of the New Jerusalem, or Swedenborgian Church, on Sundays, from the pulpit of the old temple situated on Longworth street, in this city. While a lawyer, it seems, he occupied the pulpit for the edification of the brethren, occasionally. He was, as I remember him, a venerable, white-haired man.

Hugh McDougal, a good many of present citizens must well remember. He became auditor of the county by the votes of the people, for two terms, and performed the duties of the important office with ability, and to the satisfaction of the taxpayers, and of everybody. He was one of the earliest lawyers, and a good man.

Of the rest of the list of the earliest lawyers of the old court house, I am out of mind and knowledge, but I have no hesitation in saying, that like their brethren, they were all good men, and true, and honorable and honest lawyers. At the time of these earliest lawyers, our town, just then incorporated into a city by the State Legislature, contained 10,283 inhabitants, including 410 persons of color, so that there was one lawyer to about every 400 people. Of this distinguished catalogue of lawyers, there is now not one living. The last survivor, I think, was our able

Bellamy Storer, who departed this life at a very venerable age a few years since. Sixty-one years have elapsed—two generations of lawyers have come, taking their places; and thus with lawyers, as with all other mortals, they come, they sojourn, and depart, and leave their memories only behind them, while new ones likewise come to sojourn, and they, too, will depart, leaving their memories only to future generations—"Come like shadows—so depart." Thus it is with lawyers, as with other men.

JUDGE PETER HITCHCOCK.

Judge Peter Hitchcock, of the Northern part of the State, was one of the earliest judges of the Supreme Court of the State. He was such a judge in the beginning of the old court house, and frequently occupied the bench of the old court room, which we have described, when two of the judges were here holding Circuit Court. He came formerly once a year, and afterwards twice, in the spring, and in the autumn. There was, perhaps, no better judge ever sat upon the supreme bench than Peter Hitchcock, as the numerous decisions in the Ohio reports will abundantly manifest; and he sat upon that bench from before 1819, to clear beyond the forties, a period of many long years. He commenced quite young on the bench, and grew quite old there. I remember him in his venerable and venerated age; he was then an old judge, with experience beyond all his brethren, and on that account perhaps, once in a while, manifested a good deal of impatience and irritability, especially at the new and young fledglings of the bar, so that we have the following story to tell of him, remembered by a once young limb of the law, and repeated sometimes, with much feeling.

JUDGE PETER HITCHCOCK AND THE IMPUDENT
YOUNG LAWYER.

In the days of the old Supreme Court there was no judge on the bench so irritable and sometimes snappish as old Peter Hitchcock. The lawyers were quite afraid of him, and it took a face of brass sometimes, to outbraid old Peter. Once upon a time a young, brassy lawyer was arguing a case before the Supreme Court, the two judges upon the bench, and in conclusion the young barrister said to the Court, in a bold manner, that the papers of the case and his brief would show conclusively the merits of his client's side, and he hoped and trusted that the Court would *read* them.

Judge H.—"Do you mean to insinuate, sir, that the Court does *not* read the papers in the case? You are impudent, sir!"

Lawyer—"I do not insinuate at all, nor am I impudent. I merely ask the Court to read the papers, and the ground of my polite request, lies in the fact that, taking account of the last decision your Honors made against me, I don't believe the Court *looked at* the papers at all, let alone, *read* them,"

The Court did not order that youngster in the law, into custody, for there was too much hilarity prevailing in the bar, to think of it. But Judge Peter did observe, *sotto voce*, to his brother upon the bench, "I wonder if the young man is not about half right?" And some of the lawyers thought he was *all* right. I was there, and I confess I was one of these.

But Peter Hitchcock was generally quite pleasant and agreeable in court and out of court, though he sometimes had things to occur to ruffle him, and this good one is also told about him, which we shall call:

DIAMOND CUT DIAMOND.

He had been on the Supreme Bench a long while, and he had his own blunt, brusque and burly ways with the lawyers who tried cases before him, and he was always sure to say something during the progress of a trial that tended to cow a lawyer engaged before him, if the lawyer was at all disposed to be cowed, and some timid ones there were who were so disposed, notwithstanding the brazen repute of the bar. But the one I am going to tell about in connection with Judge Hitchcock was not one of these—"no, by no means, or manner of means." It was old, prolix and leaden, and brassy Jeemes Riley, the *roily* lawyer, as judges and lawyers used to call him. Old Jeemes believed in the law books to convince judges, and having an important case in the Supreme court, to come on early in the morning when the court met, he had come earlier himself than the court, and had filled the large lawyers' table before the bench, with an immense pile of law books—nothing but law books—every one of which, by means of his *long* brief he meant to cite—book—case—names of parties—principle—and—page, in presenting *his* case to the Court. The huge pile of law books was indeed formidable, even for a lawyer, let alone the judges. The judges came in, and Judge Hitchcock, saw the terrible pile of law loose, and he determined in his own mind to put a stop, if possible, to Jeemes Riley's citing all of them, and taking up the precious time of the Supreme Court; but he said nothing till the opening of the court, and then, adjusting his spectacles on his nose, and looking meaningly and menacingly at Riley beside the table, and then at his law books piled and spread upon

the table, taking all up there was of the table, he sarcastically and cuttingly observed :

“ Brother Riley, do you mean to *rile* the court with all these books? I will have you to know, sir, that this court *does not keep a law school!*”

Riley was not cowed, or put out one bit, but he arose in his place, and immediately replied, in cutting drawling tones through his nose :

“ *But on this occasion, I will have the Court to know, that I do keep a law school, and I mean to teach you judges, a bit of law into the bargain!*”

Jeemes Riley *roiled* the Judges that time, and no mistake, and Peter Hitchcock, nor his associate had another word to say. Riley’s cut, cut old Peter so sure, that it was said he almost *petered* out. Score *one*, for Lawyer Riley !

JUDGE GEORGE P. TORRENCE.

Of all the judges of former days, perhaps, there was no one so much liked and loved for his genial, generous, and whole souled qualities, and characteristics, as Judge Torrence. He was President Judge of the old Court of Common Pleas from before the year 1819, up to the year 1832 ; and although he was not so much of a lawyer, he made a very good judge of the law, and administered justice somewhat like a Solomon, or a Daniel. Boy as I was, I remember seeing him presiding on the bench, and towering above his associates,—for he was the tallest judge, and large and portly in figure and stature, and he looked upon the bench, every inch a judge. He came to this city at a very early day, and soon was a very popular fellow citizen, for he was fellow citizen with everybody, men, women and children, and all. They

all liked and loved him, and they always had a good word to say for him, as he always had a good word to say to any of them.

It has not been very many years since the decease of Judge Torrence at a very advanced age, and citizens of the present day well remember him as one of the cleverest of men. While on the bench he was never known to say an unkind or rough word to any lawyer or officer of court, or any one else. He invariably preserved his good humor, and his good common sense too. The nearest perhaps, to his ever getting out of sorts, was on the occasion of him and his associates being called the "*Demcrara Team*." There are many reminiscences and anecdotes of Judge Torrence, but we have time for only the following, which illustrates very well his clever humorous disposition, on occasion.

JUDGE TORRENCE, LAWYER PENDLETON AND
JUDGE FLINN.

Judge Torrence in his venerable days used to be seen very much about the city, for friendly to everybody as he was, he liked to move about, and see, and shake hands, and converse with his friends. This, by the way was the habit of his life; of course he frequently visited the court house, and the courts—the loves of his younger days, and one day he happened in, in the court room of Judge Flinn who presided over the Criminal Court of Hamilton county. There was an important criminal trial going on before Judge Flinn, and the prisoner was being duly defended by lawyer Pendleton; and Judge Torrence creating some commotion on his coming into the court room, and entering within the bar, and taking a seat in convenient chair, the judge on the

bench immediately espied him, and as the venerable ex-judge of the old old Common Pleas, was well known to him, he called him, and invited him to a seat upon his bench along side of himself, as is customary sometimes with polite and courteous occupants of the bench. Torrence not a bit flurried by the marked distinction, nor feeling particularly honored withal, got up, went forward and solemnly ascending the bench, took his seat to which he had been invited by the criminal judge, and began to look grave and severe as he could, and the cause proceeded for some time in the progress of the testimony.

Now the honorable judge of crime and criminals had his peculiar and particular ways with himself, and one of his ways or habits used to be, to go from his court room over to the opposite corner of the street, and take a drink of "sumthin" at the bar of the old "Produce Exchange." Old Bourbon democrat as Flinn was, he of course always selected "old Bourbon," and hurrying it down, he would immediately slip over to his court room again, by a rear passage, and to his bench, and no one apparently would be the wiser, the better, or the worse, for his absence, or his presence either, for that matter. The dryness of the proceedings of the trial no doubt, had desiccated the lips of the judge, and made him very dry. Besides, it was about his hour, and he waited for an opportunity--notwithstanding the presence of Judge Torrence beside him. After a while, as good or bad luck would have it, there was a lull in the trial proceedings, occasioned by the absence of a witness who had perhaps anticipated the movement of the judge, out of court; and in the interval, lawyer Pendleton occupied himself abstractedly in looking over his notes of testimony. This lull was enough for Judge Flinn—his desire for a glass of Bourbon, had been

teasing him for some time, and suddenly leaving the bench and his friend ex-Judge Torrence, on it, alone, he hied himself over to the Produce Exchange. While he was gone, the absent witness came in, and, Mr. Pendleton seeing him, quit reading his papers, and arose in his place and proceeded to say, "May it please the court," when he noticed the absence of the Court, (*sub rosa* gone to take a drink,) and stopped suddenly. Judge Torrence now alone on the bench, and as fond as anybody of a joke, immediately spoke up and said: "Proceed Mr. Pendleton the court has not adjourned; it has merely gone over the way, to whet or wet its whistle. The court, however, is in session, and you can proceed just as well, in the cause." At this, there was a loud and boisterous laugh from officers, lawyers, jurors, witnesses and everybody, even the prisoner in the dock, in the midst of which Judge Flinn made his reappearance and mounted the bench, wiping his wet lips with his handkerchief, and ordering the sheriff to keep silence in the court. This was by no means obeyed by anybody for some length of time—all adopting the hilarious mood of friend Torrence, who, on the bench, was convulsed with laughter at the utter ludicrousness of the scene.

CLERK—DANIEL GANO.

Major Daniel Gano—the old, long time clerk of the old Court of Common Pleas and Supreme Court and quite as long time, clerk of the old Superior Court,—who of the old pioneers of this city, does not remember him, the finished and thorough clerk of the courts, and the cultured and polished gentleman? He was, I believe among the first white children, if not the very first white child born in the city of Cincinnati. He was born

and grew up here, and he lived here, and he died here. Near fourscore years of age, he departed this life, which had been rewarded through the whole long line of it, by the highest regard and esteem of his fellow citizens. He was a worthy, clever man, and most efficient officer, and was certainly one of the best looking men in the city and country. He was distinguished for wearing a large perfectly white, cambric ruffle, down the open bosom of his shirt adorned with a beautiful breastpin, and the *old fashioned Revolutionary* plaited cue of his hair, tied with black ribbon in a bow, and hanging down his back between his shoulders; and even for modern times, he never gave it up, and retained, in his toilet this mark of the old Revolutionary forefathers of this country, to the day of his shroud and coffin. He was buried with it, and no doubt, it is in his grave, and flourishing still. His ancestors were among the first settlers of Cincinnati, clear back in the closing years of the eighteenth century, and his posterity are still with us, in respect and esteem, and long will the name of GANO, be remembered and respected in this Queen City of the West.

ASSOCIATE JUDGES LOOKER, SHORT, AND SILVERS.

Of the earliest associate judges of the old Court of Common Pleas, these two I remember, though not having had, at any time, any particular acquaintance with them. They were both early men of Cincinnati, and always of good repute. Mr. Looker was once, I believe, a candidate for governor of Ohio, and was voted for, all over the State, but was not elected. He was a celebrated printer and publisher of newspapers and books in his day, and was a gentleman of practical business ability and habits, as well as a good-hearted and urbane gentleman.

Judge Short became a wealthy man in real estate, owning a great deal of farm land, near North Bend, and some property in this city. They have both long since departed this life. Of Judge Silvers I know nothing, although I have heard of him in the early days, as a good and honest judge and true man, well-to-do in private life, and dignified on the bench.

FURTHER PROGRESS OF THE BAR.

We now go on in the retrospect of the old bar, taking a little rest for reflection between the years 1825 and 1831, before we proceed again, however.

As years went by, of course the bar of Hamilton county much increased in numbers, and, by 1827, it had nearly doubled. For our benefit I will give an article *in toto*, from the *Saturday Evening Chronicle*, of this city, edited by lawyer Moses Brooks, of the date of July 9th, 1827, in reference to the then bar. It occupied the first editorial column—a “leader.” Here it is.

“At the late term of the Supreme Court of Ohio for Hamilton county, there were 160 cases on the docket. There are at the bar in Cincinnati forty lawyers. Supposing the business in the Supreme Court to be equally divided among this number, it would give to each one *four* cases. If there be any truth in the old adage, that legal business is just in proportion to the number of lawyers, it would seem that those in our city have but little *talent* or else a great deal of *honesty* among them. For ourselves, we are disposed to refer the slender docket to the latter cause. One fact illustrative of the peculiar advantages which Cincinnati possesses, may be drawn from the foregoing statement. We refer to the extreme cheapness of subsistence in this place. Most of the lawyers of our

city present an *embonpoint* by no means corresponding with their thin docket. Other members of the legal profession who may contemplate an immigration to Cincinnati need not, therefore, be discouraged. There is little danger of starvation if they have but three or four suits in the Supreme Court in each year."

That is a curious incisive article, and like a many-edged sword, cuts many and various ways. Cincinnati was nearing 20,000 inhabitants then, and forty lawyers was one to 500 possible clients, including women and children. Among the newcomers to the bar from abroad, were Charles Hammond, much devoted to the *Liberty Hall & Gazette* however, Charles Fox, Vachel Worthington, John G. Worthington, Robert T. Lytle, Wm. Henry Harrison, jr., and others, and certainly there was something in store, or out of store, for them all. But *provision was cheap*, so cheap perhaps, that lawyers were never hungry for that—however, hungry they might have been for clients. There are times when lawyers like chameleons, can feed on air—at least common people would be led to think so, from the power of wind they sometimes possess and have occasion to expend and pour forth—but the forty lawyers then in Cincinnati, all "*embonpoint*," as the editor says they were, must have fed on *heirs*, to make them so "*fat, fair and forty*," in quantity and quality.

CHARLES HAMMOND, THE LAWYER, THE EDITOR,
AND THE POET.

I am reminded that I must say a word or two about lawyer and editor, and poet, Charles Hammond, because in the days when I was a student at law in the office of Wright & Walker, just adjoining the editorial sanctum of

the *Gazette*, I knew him well, and many a kind and good word have I had from him. He was lawyer and editor at St. Clairsville, Belmont county, this State, and came to this city, I believe in 1823, to practice law, but his ability as an editor of the *Ohio Federalist* being so well known and in requisition, he was soon called to edit the *Liberty Hall & Daily Gazette*; and thus in this city he became both lawyer and editor, and he was excellent as each, or both. He practiced law for a dozen years perhaps, and then in the increase of our city and the duties and labors of his newspaper, he relinquished the practice, and devoted himself to it alone. He had wit and humor in himself, and was sometimes the occasion of them in others. My friend Mr. Robert Buchanan, of this city, told me this good one of him. Hammond had an important case once in court for him as client, and as President of the Commercial Bank, the only bank then in the city. The case was a *quo warranto* against Mr. Buchanan, to find out by what authority he was exercising the functions of president, and Director of the bank. Mr. Hammond told Mr. Buchanan that the law was against him, but he would see what could be done. "You," said Mr. Hammond "need not appear in court." Mr. Buchanan did not appear, but went "a fishin'." Case came on, but no Mr. Buchanan present. Hammond moved for a postponement *vociferously*, but not with purpose to accomplish it, *particularly*—he knew what he was about—on account of absence of Buchanan. Opposite counsel—not perceiving the cat in the meal—insisted, as Hammond thought he would, on immediate trial and gained his point. Trial was had; and now, said Mr. Hammond to adversary counsel. "Bring forward your witnessess!"

He did bring them forward, and proved all he could, but as there was no one except Mr. Buchanan himself to prove the *corpus delicti*, and he was absent, of course the *quo warranto* proceeding was thrown out of court, as it ought to have been, being, as it seemed, a piece of spite work upon the part of some men interested against Mr. Buchanan. After the success, client met Mr. Hammond, his lawyer, to pay his fee. "How much?" "Fifty dollars; but I gained the case by a little pettifogging, which I don't like at all." Mr. Buchanan handed his lawyer, a check for one hundred dollars, and Hammond taking it, and looking at it, exclaimed: "What is all this for?" Buchanan replied: "For yourself, and your partner, the pettifogger." Hammond laughing, and taking the check, "I shall dissolve with that scamp, and have nothing more to do with him, hereafter."

But 'Charley Hammond' as he was sometimes familiarly called, appeared also, a sort of poet, and this speaks well for him. Amidst all his *trials*, and experiences of life, he could write about boyhood in good poetic lines. Here is his poem furnished by Robert Buchanan.

BOYHOOD.

BY CHARLES HAMMOND.

How oft amid the sordid strife
Of worldly wisdom have I turned
To memory's scenes of early life,
And o'er my joyous boyhood mourned;
How oft have wished mid care and pain
To be that buoyant boy again.

To sleep beneath the slanting roof
And hear the pattering raindrops fall,
Or listen to the lively proof
Of vagrants round my airy hall;
To rise at morn with wonted glee
To wade the brook or climb the tree.

To join the sturdy reaper's train,
What time the lark her matin sings,
When mounting with impassion'd strain,
She bathes in light her glittering wings,
And, poised in air, is scarcely seen,
So high amid the dazzling sheen.

'Twas mine to trap beside the stream,
Or angle 'neath the alder's shade,
To tend the plow, or drive the team,
Or seek the herd in distant glade.
Where oft from clustering thickets shrill
Rang out the notes of the whippoorwill.

Those trembling notes, so long, so wild,
Were music to my boyish ear;
Thought backward flies—and as a child
E'en now me thinks the sound I hear.
While fancy spreads before my eye
The dewy glade and moonlit sky.

The "lowing herd" now wending slow
Along the wood their homeward way;
The winding stream's dark glassy flow,
The lilied vale the woodland gay.
Still float in visions bland and bright,
As on that balmy summer's night.

Then standing on the distant hill,
With boyborn fancies wand'ring free,
I saw no specter'd form of ill
Rise in the bright futurity;
But all, instead, was joyous, clear,
Buoyant with hope, untouched with fear.

O, these were boyhood's cloudless hours,
And sweet on wings unsullied flew.
But pride soon dream'd of loftier bowers,
And wealth her golden luster threw
O'er tempting scenes, as false as fair,
And bade my spirit seek her there.

And I have sought her—nor in vain,
 I might have piled her treasures high,
 But that I scorned her sordid reign
 And turned me from her soulless eye,
 I could not delve her dirty mine,
 And would not worship at her shrine.

I would not stoop to flatter power,
 For any vile or selfish end;
 I would not change with every hour
 My faith, my feelings, or my friend,
 And least of all would I intrust
 My hopes to the accursed dust.

The God that reared the woodland heights,
 And spread the flow'ry valleys wide,
 And waked within my mind delights
 That spurn the lures of human pride,
 Did stern forbid in accents known,
 To worship aught beneath His throne.

‘CHARLEY HAMMOND’ AND HIS TEMPERANCE SPEECH.

I remember a pretty good thing in tradition, about editor, and lawyer, and orator Hammond, which, though just a little at his expense, I feel bound to tell. In 1841 or '42, when the great Washingtonian Temperance movement was exciting and exercising all the people of this country, editor Hammond became very much enlisted in the cause in the columns of his very influential paper; and day after day he gave his editorial influence to the spread of the great movement. Now Charley Hammond had all of his life, been in the habit, as all Western men were, in those early days, of taking a “drop of the critter” once in a while, and he used to do this openly, and above board. When his paper poured forth maledictions on intemperance, and encouragements for the Washingtonians, he did not forego his own Bourbon, individually and personally. But he happened in at a Washingtonian temperance mass meeting, one night, at the great hall in

the south side of the old Cincinnati College building, and being perceived by the audience, he was called upon for a speech. He at once obeyed the unanimous call, and mounted the elevated platform, and made one of the very best and most eloquent temperance speeches, to the great satisfaction and gratification of the great audience. After he got through, he was much congratulated by his friends for the success of his speech; and with a few of his intimates he left the meeting, and getting into the street, in the dark, he slyly observed to some of them: "There is a time for all things; there is a time for temperance speeches, and there is time for a good practical drink, and this time has now come. So come, let's go around to the "Bill Tell" and take a drink. The famous "Bill Tell" coffee house was situated on the same square, around the corner on Fifth street. Those in his confidence, accepted the invitation, one of them observing however: "if we go to the 'Bill Tell,' somebody will *tell* on us."

"No matter for that," replied Hammond, "shall I not take mine ease at mine inn"—"because thou art virtuous, shall we have no more cakes and ale?"

And they went to the "Bill Tell" and they took a drink of Bourbon, and as appears, *somebody did tell*, on them.

THE WASHINGTONIAN JUDGE, AND THE TAVERN KEEPER,
AND LAWYER MILT McLAIN.

During the Washingtonian Temperance excitement among the people, following the drinking orgies of the hard cider campaign of 1840, for the election of Tippecanoe and Tyler too, by way of tremendous reaction, it became somewhat a hard and difficult matter for tavern

keepers to obtain a renewal of their licenses for keeping tavern, and selling liquor, from the old associate judges of the Court of Common Pleas, who had been in the habit under the law, of granting those licenses:—and unless a man making application to the court, was proven beyond all doubt, to be a man of good, moral character, he could not obtain a license at all, from the court.

At one time a good old tavern keeper, away out in Whitewater Township, petitioned the Court for a renewal of his license, to keep tavern and sell liquor for another year; and so well known was he for good moral character, which he could abundantly prove by all his neighbors, that he felt cock sure of getting his license, notwithstanding the Washingtonian Temperance excitement among the people. So he appeared in court, with all his neighbors to back him in good moral character, and the assistance of that wiry advocate and lawyer, Milton McLain, who exerted all his earnest energy and active ability for his client.

The three associate judges were upon the bench, and holding court, and Judge Morse, the senior associate presided, and he had become an emphatic, positive, and distinctive, declared Washingtonian. The other two associates, though not declared Washingtonians, were nevertheless under the influence—not of old Bourbon—but of the new Washingtonianism of the times; and they were quite prepared to follow in the wake of their senior brother in the matter of granting or rather *not* granting, licenses to sell liquor. Lawyer McLain for his client presented the petition with some considerate remarks to the court, and then proceeded to examine his host of witnesses on the good moral character of his client, and proved by

many neighbors, the excellent good moral character of his client clear beyond what he expected. It was the day in court for hearing applications for tavern licenses, and many applicants, also of good moral character, were present in court, with their witnesses, awaiting the result of the application of our good moral Whitewater friend and fellow citizen, in most patient expectation. The case through with testimony, lawyer McLean addressed the associate judges eloquently on the excellent good moral character he had proved for his client, and in triumph exclaimed, that "*there was not a man in the whole county, who could prove, and by so many witnesses, such an excellent good moral character as his client and himself had done,*" and sat down, and confidently, and with much assurance, waited results. The two end associate judges laid their heads together, and at last nodded assent to their presiding senior Judge Morse, who finally braced himself and looking carefully about, and around, said with grave, and sober and serious unction in extended nasal tones:

"The court have agreed unanimously to decline and refuse this application for a tavern license. We think that the applicant from Whitewater Township, has proven himself to be entirely too good a moral man, to be engaged in selling whisky!"

What a start, to lawyer and client! What an alarm and amazement, to the hundred applicants, of good moral character, in attendance on court! What an obstruction to further business! *What a stopper to the bottle!!* The tavern keepers all left the court room, in single file,—one by one.

LAWYER MILT. McLAIN, AND THE IRISH WITNESS.

In an important case of homicide, on trial in the old Court of Common Pleas, it became on the evidence, a matter of grave doubt, as to whether the killing of the victim by the prisoner, was in self defense, or not; and therefore as in all doubtful criminal cases, the character of the defendant for peace and quietness, became a matter of the utmost consequence. The defendant was a born Irishman, and had a good many Irish friends, and they were present to prove his character. The testimony for the State being through, lawyer Milt. McLain, counsel for the prisoner, called Barney O'Grady to the witness stand, and Barney O'Grady was duly sworn. He was a great, burly, raw-boned Irishman, recently from the land of Erin go Bragh.

Lawyer—"Well, Mister O'Grady, do you know Michael Lafferty?"

Witness—"Well, begorra, I do!"

Lawyer—"Do you know his character for peace and quietness?"

Witness—"His char-*ac*-ter, begorra—for pace and quietude—did your honor say?"

Lawyer—"Yes, for peace and quietness; his character?"

Witness—"For pace and quietness? Begorra, his char-*ac*-ter is as good as your'n or any other spalpeen! Be jabbers, that's what it is, any day!"

Lawyer—"Don't be excited Mister O'Grady, you are on the witness stand, and you mustn't swear, or call names."

Witness—"I won't, begorra, your honor! but I didn't swear, or call names—I spaked for my frind."

Lawyer—"Well, tell us the char-*ac*-ter, of Michael Lafferty?"

Witness—"Well, my frind Mike Lafferty is a bully boy, that's his char-*ac*-ter; a rale bully fellow, and for pace and quietness, he is peaceful as a droomdary and as quiet as a babby. I seen him once in the ould counthry, at Donnybrook fair, and wid his shillelah he cracked the brains of everybody foreninst him, but nary a bit did he strike his frinds, begorra. He was as peaceful as a droomedary, and quiet as a babby, begorra!"

Milt. McLain dismissed the witness from the stand.

LAWYER WYKOFF PIATT, AND THE PREACHERS, AND THE
WASHINGTONIANS, AND HIS TEMPERANCE
ORATION! AND THE DEMOCRATS!

A singular, unique, positive, eccentric, and erratic genius at the bar in days of yore, was J. Wykoff Piatt, Esq. Of all singular men and lawyers, he was perhaps the most singular. He was a good lawyer, learned and practical, and was always ready to attend to any case at any time and anywhere—before a magistrate, arbitrators or before the court—in his office, in the tavern, in the street, on the river, on the canal, or at his home. With all this, he was gifted with curious and very attractive eloquence. He was an orator in Piatt's way. You should have seen him at the bar, on the rostrum, in the forum, or on the stump. It was all one to him. He always knew and understood himself, and was always prepared to do his duty—or otherwise! He had a very high pitched tone of voice: something running off into the screaming falsetto. It was neither tenor, alto, nor contralto, but it was all these mixed with bari-tone, and deep bass sometimes, although I believe in my

heart he would have scorned base uses of it. He was fully six feet high, tall and slim, with full and rugged features, darkened with black, shaggy eyebrows and raven black hair flowing over his forehead in fussy, silken lines, when he was speaking. He looked something like an Indian, and often acted like a savage—like an unmitigated war-whooper. Indeed, on all occasions he was a good actor to a purpose, and never failed to give full satisfaction to himself and to his audiences. He would commence in his high-toned voice, and soon develop, by his volubility, that he was no common talker or orator. He would prolong a sentence by a slow nasal twang; he would stop in the midst of a sentence and give a snort and a blow with his mouth and nose, and proceed again; he would stand still; he would move about, anywhere and everywhere, and sling his arms to every point of the compass, and then he would turn round and round, until you would begin to think that he was an animated spinning-top, and all at once he would subside, and with his snort and his blow, and his piping tenor or falsetto and gruff bass all mixed up, he would pause—not for reply, but to get strength to go on again—and thus he would keep it up until from very exhaustion he would give up the ghost of his eloquence.

This was J. Wykoff Piatt, Esq. He was man, lawyer, and politician—a democrat, a thorough democrat, a great democrat, a unique and all-pervading democrat, and had wonderful influence in, around, and with and through the democratic party. Indeed, for many years he was the distinctive and acknowledged leader of the democrats of Hamilton county, and he rejoiced in it, wallowed in the joy of it. The democrats thought, hunt the world over, there was nobody alive, like Piatt! He

was the true blue and the bully boy! the b'hoy, of b'hoys—a regular schemer and screamer.

When about the year 1840, after the hard-cider campaign of "Tippecanoe and Tyler too" had been gone through and the battle won, the great Washingtonian Temperance movement, as a great reaction from hard cider and rum, seemed to take possession of the people of this country, Piatt was a power among the boys of the democracy, who flourished in great and abiding numbers in this county. The Washingtonian movement reached Cincinnati, and was a grand success! The pious people were in it—the preachers were in the movement, the doctors, the lawyers, and the whig politicians; but the democratic politicians had not succumbed as yet, as they "never—hardly ever" did. They were then, and always, for uncontracted and uncontrolled freedom in whisky, as in all things. How to get the democrats enlisted in the progressive and progressing cause—that was the question. With the preachers of the city, and some of the good deacons, it was at last solved—the problem was demonstrated—*quod erat demonstrandum!* It was resolved by all orthodoxy that Piatt, the leader and the great orator, should be invited, and enlisted in the great cause, if possible and practicable. Accordingly the leader was seen, and he was coaxed, and cajoled, and wheedled by the preachers and deacons, but for a long time his conversion was not a success; indeed, "a damned defeat" was experienced. The preachers laid aside their pulpit and their church ways, to persuade Piatt, for they felt confident and well assured that if Piatt would speak in their cause the numerous hordes of the democracy would be with them, and would be saved for all purposes. They again approached Piatt with num-

bers and great influence, and so insidiously plied the orator and leader that he at last yielded his reluctant and most unwilling consent to hold forth for them. All completely aroused, the next morning newspapers of the city announced in double-leaded lines, and great flaming posters, pasted upon every vacant space in the city, proclaimed that there would be "a grand Washingtonian mass-meeting at the court house next Saturday night, and the people would be addressed by the people's great democratic orator, J. Wykoff Piatt, Esq.!!!" and these posters flashed with the large printed names of almost all the leading, demure, and sober citizens of the city, who, hearing that Piatt was engaged, were anxious to append their signatures to the loud-blazoned call. Saturday night came, and the old Court of Common Pleas room of the old court house was more than thronged with masses of citizen—on the floor, in the bar, on the bench, and in the gallery, every place was full of people. Inside the bar, just before the bench and behind the lawyers' great long table, sat the preachers of the city, all in a row, to give color and encouragement by their presence and smiles, if need be, to the grand orator of the night. One of our chief citizens was called upon to preside, and vice-presidents and secretaries too numerous to mention, were duly nominated and appointed by the meeting, for in those days the meetings did these things themselves, and were not instructed or commanded by committees of any sort or kind whatsoever.

Meeting duly organized and all things ready, Mr. Piatt, in brass coat and blue buttons, was introduced by the president on the bench of the Common Pleas, and he took his majestic stand before the assembled people the great majority of whom were unterrified democrats of

the true blue, and no mistake, who came *to hear Piatt*, and see what the great democrat could have to say in behalf of the stringent and tyrannical temperance movement. With a great snort and a great blow and a fume, and with very high pitched tone of voice, Piatt commenced his "*F-e-l-l-o-w C-i-t-i-z-e-n-s!*" in his own inimitable style. He told them that for himself, he had always been a temperance man. Nobody had ever seen him under the influence of liquor, he never was drunk, and therefore in heart and soul he was with them in this great temperance movement, which, beginning in the East, was now sweeping the mighty West, and he went on, and he went on, and he went on, and he went on, and he snorted and he blowed, and he fumed and he foamed, and he moved round and round, and he flung his arms and hands in all directions—up, down, right, and left; but though he had now consumed about three-quarters of an hour in talk, and all this grimace and manifestation, not a single bit, not one iota of applause did he get from the crowd, except from the black-coated and white-necktied, and long-faced deacons and preachers in a long row before him. Piatt wondered at this, and sometimes hesitated in his *falsetto*. He was used to being received with great acclaim, and applauded and applauded again, by voice, hands, and feet, to the very echo. What was all this? No cheers, no clapping of hands, no stamping of feet to enthuse and inflame the orator! What was the meaning of all this? Piatt had not been used to this kind of treatment—never before! What was the matter? The silent and stolid, unterrified democrats who made up the assembly for their orator, stood dumb, stock still, and not one sign of approval or encouragement from them. Piatt was confused, abashed

and discouraged, but he proceeded on slowly, hesitatingly, and somewhat bunglingly. At last he bawled out in piping, fife-sounding notes: "Those against this great temperance cause are in the habit of appealing to the Scriptures for the justification of their whisky imbibing, and dram drinking, and they think they triumphantly point us to the example of the great Saint Paul, who told his fellow Timothy *'to use a little wine for his stomach's sake.'*"

Just at this very instant a democrat of the old school, a big, burly, boisterous butcher boy—a man of the primaries—came into the door of the court room, and with his ears catching the last part of the sentence of Piatt's screeching voice, "use a little wine for thy stomach's sake," and thinking, convivial as he was, that Piatt was now advocating the great cause of whisky, and wine, and democracy, broke out with stentorian lungs, and voice of force of thunder: "*Go it, Piatt! Give these temperance fellars h—ll!!*" This was enough, this was the master stroke; the democracy were for the first time of the evening stirred and awakened, and cheer after cheer, shout after shout, and hurrah after hurrah, went up and made the old court room, and the very welkin ring. This was the first universal break-out of applause, and this was quite enough to show and convince Piatt at once where the sentiment of that meeting was, and he turned round and round, and he snorted and he blowed, and he fumed and he foamed again, and he faced about and about, and slung his arms and his hands, and at last exclaimed, in screaming and screeching tones, louder than any fife or piccolo the world has known:

"Ah yes, my fellow-citizens—my fellow d-e-m-o-c-r-a-t-s!—and the good Saint Paul was *right*—right—

all right; *use a little wine for your stomach's sake, f-e-l-l-o-w c-i-t-i-z-e-n-s!* take a little wine, and a little whisky too, for that matter. Look at these long-faced, white, pale-nosed fellows before me!" and with a snort and a blow, and a fume and a foam, and a turn round and round, and throwing his arms and hands, and pointing with his long index finger at the row of preachers and deacons before him, he despairingly cried out: "Look at them! there!—there!!—*they all look like they were dying of the d-y-s-p-e-n-t-e-r-i-a!*"

Gracious heavens! what a noise followed and continued; what a shout and a hurrah from the throats of those again free, unfettered, and untrammelled, and untamed, fierce steeds of democracy!

They yelled with delight, they clapped their hands and stamped their feet with joy, till one would have thought, with the poet Holmes, of the occasion:

"When all thy mountains clap their hands in joy
And all thy cataracts thunder, 'That's the boy!'"

Alas! and alack-a-day! alack-a-night! for the deacons and the preachers, and their brethren, and their "sisters and their cousins and their aunts!" They were literally dumbfounded, decapitated, and nothing was left them but confounded dismay and exceeding hasty retreat, and of this, with their legs left them, they readily and hastily availed themselves. Each deacon, each preacher took his hat, and his spectacles, and his cane and hustled off amidst the crowd, to the door of the court room and the outer door of the court house as fast as legs could carry them, and left the orator and his Bourbons alone in their glory—the one to proclaim the glad tidings of liberty and whisky, and the others to enthuse him by their proud and fearless acclamation. What boldness and

assurance upon the part of the democratic orator, and he was much celebrated for these, to turn round and change the base of his operations in the very face of the enemy ! Who ever heard just the like ?

LAWYER WYKOFF BEFORE THE JURY.

I was well acquainted with Mr. Piatt, in his later days, and he was my friend, and I was his friend. I used much to admire him, for his legal ability before the court, and before the jury, and before both ; and with all his interesting and sometimes amusing singularities, peculiarities and particularities, he was a man of great power of synthesis, analysis, and curiously advocating eloquence. It was good to hear him before a jury ; he always seemed in most earnest earnest, and indeed, always was ; with his tall and commanding form, he would stand close up to the jury, and talk and talk to each and everyone of them, conveying to each and all, what he had to say. His eloquence absolutely oozed out of his finger ends ; even out at the very tips of his very long fingers.

I saw and heard him one day in rather a remarkable and funny case. The proprietor of the large red brick cotton factory, that used to be a long while ago, at the corner of Plum and Third streets, had been sued by a number of the girl employees, for their wages. The evidence in the case developed, that the girls had been very diligent and industrious in their cotton work generally, but they had a way of assembling untimely, in the back yard of the cotton mills, in crowds, and when so together unmindful of time, they would talk and talk together, and stay out longer than was strictly right, or useful to their employers. The thing got to be a *nuisance* to the proprietors, and they discharged some of the girls for

neglect of duty as they alleged, and this was, spending too much valuable time in the back yard. Their claim before the court and jury included their wages, and damages, for wrongful discharge, and was on appeal from the court of a justice of the peace. Wykoff Piatt represented the girls, and their claims, and was very earnest, persistent and piercingly eloquent for them. You should have heard him pleading the cause of the young girls, who by the way, were present in the court. He would foam, and fume, and snort, and blow; and going up closely to each juror, he would point out his long forefinger, just in their faces, at their very noses; and then, he would step back again, and forward again, and fling himself about and around, so that it was absolutely impossible to take your eyes off of his antic gymnastics and gyrations; and you had to attend to him, and to what he was saying.

“Gentlemen of the jury,” said he, “these rich proprietors, swollen, and bloated in their wealth, make the flimsy excuse for discharging and not paying these poor working girls, because they spent too much of their time in the back yard. Indeed, indeed, a flimsy, mean and contemptible subterfuge for these lordly and lordling defendants! What were these young girls doing in the back yard, gentlemen of the jury,—what were they at—what were they doing there? I tell you, gentlemen of the jury, they were there engaged in their *necessary* business as a committee of the *whole*—the committee of the *hole*—gentlemen of the jury!! And with his long forefinger pointed, and his tall form stretched to its fullest length, and a fume and a foam, and a blow and a snort—in highest falsetto voice—advancing forward, he would repeat, “*the committee of the whole—of the hole—gentlemen of the jury—of the hole!!!*”

Colonel Piatt (for we used to call him “colonel,” too—he had so much *kernel* in him,) won his case for the girls, as he ought to have done, the jury having found full for the plaintiffs, rendering a nice verdict for the *committee of the whole, or the hole!* And the court and the bar, and the working girls, and everybody were entirely satisfied therewith, except, perhaps, the poor and rich defendants, the proprietors of the cotton and *cottoning* factory.

THE WAY THE OLD CLERK OF THE OLD COURT HOUSE
HAD OF ADMINISTERING OATHS TO AFFIANTS.

Our old friend, W——, was appointed clerk of the old Court of Common Pleas, by the stern, sturdy, and obstinate democratic judges on the bench. And he made a capital clerk, and he made capital—lots of money out of the numerous fees and perquisites of the desirable office, for to these, as he was always in the habit of doing in all his duties, he gave his most earnest and undivided attention as well; and, of course, few there were to blame him for it, as he never took anything *beyond* what the strict law allowed him. As close as he was, he was by far too honest and honorable for that, though fees and costs were his study by day and his study by night. There used to be no extortions or defalcations in the days of the old court house: *these are new-fangled things of modern days!* This is the way (it is in tradition) the clerk used, in his inimitable way, to administer the oath to the affiant who had duly signed his name to the affidavit, in the old court room: “Hold up your right hand;” which being done by the affiant, “you do solemnly swear that the contents of this, your affidavit, are true—*for which, hand me twenty-five cents*—so help you Almighty God.”

No quarter, no affidavit! Sure, no quarter to the affiant. No pay, no swear!

LAWYER WILLIAM GREENE AND GOVERNOR TOM CORWIN.

Who among the old lawyers who had the privilege of his acquaintance, will ever forget William Greene, Esq., of the old times, of the old court house? As a young lawyer he came to this city about the years 1823 or 1824, from the little State of Rhode Island, which, perhaps, in the days of his young ambition, was not big enough to hold him, and immediately commenced the practice of the law. He was learned and able in his way, and soon commanded a good deal of business, and good standing and respect among the old lawyers, and he was always regarded as an excellent fellow-citizen. He seemed, however, to take especial pride, somehow or other, in his superior knowledge of *constitutional* law, and was forever obtruding his especial views upon constitutional questions, so that he acquired the sobriquet of "Constitutional Billy Greene," among those who knew him. Because of his frequent discussions on constitutional law, he was prominently brought before the people, and in addition to lawyer, became politician for some years, and figured so as a candidate for Congress, once or twice, but never was elected to represent the constitutional right of any constituency. He was a good and able man, though not a great one; but some would be apt to think from his constitutional fussiness, and self importance, and self intrusions and obtrusions, that he was a man of consequence and consideration.

On one occasion, in an assembly of the *elite* at a certain aristocratic house in this city, Governor Tom Corwin, who lived in the town of Lebanon, Warren county,

was the especial and chief guest of the evening, and was made much of by all the other guests who were present, and paying court to him. Mr. Greene was one of the invited guests, and of course was present in all his pomposity and consequentialness, making himself, in his somewhat disagreeable way, agreeable as he could to the ladies and gentlemen. Governor Corwin was earnestly engaged in the middle of the room with a coterie of gentlemen, discussing some literary matters, when, all at once, and of a sudden, Mr. Greene came forward and approaching abruptly before him, in his squeaking voice, he exclaimed, "My friend, Governor Corwin, what are the staple productions of Warren county, constitutionally considered? Governor Tom looked right at the presuming, presumptuous, and obtrusive and ill-timed questioner and somewhat enraged, gruffly and loudly replied, "Babies and tobacco, and be d—d to you!" *Exit William Greene, Esquire*, from the lion's quarters, directly in a straight line, and very hastily, quite out of the room, and out of the house, as it appeared.

But this is not all. Next morning some friends of both Corwin and Greene called upon the former and told him they thought he ought to make some sort of apology to Mr. Greene for the occurrence of last night. "I think so, too," said Corwin, "and I mean to call upon Mr. Greene this very day, at his office, and make all things right between us. Where is Mr. Greene's office?" He was told, and that very day, Corwin called at the office of Greene, found him, and began—"Good day, Mr. Greene; thinking the matter over, I have come to the conclusion to look over the matter of last night, and offering you here my hand, I readily forgive *you* the unconscious and unwitting affront you incontinently, offered *me*!" and Cor-

win extended his hand to Greene, and Greene took earnestly and energetically, the proffered hand, and warmly observed "Thank you, Governor Corwin, thank you; *I was thinking of offering an apology to you*, but I am right glad you have so nobly and generously saved me the necessity," and then he shook convulsively the governor's hand again and again, and all was graciously and gratefully made up between them. Funny Tom! Funny, victimized Greeny!

ORATOR GREENE AND YOUNG ORATOR DONN PIATT!

As we have intimated, Mr. Greene dabbled somewhat, in politics. He was a Whig politician in the days of the great Whig party, and a political stump speaker. In fact, he was fond of stump speaking, and frequently harangued mass meetings, where he could give his constitutional views on the tariff, the United States Bank, and internal improvements *ad libitum sine molestis*.

On one political occasion he was invited by his Whig friends to make a political speech upon the subject of the tariff, at a mass meeting at the Four-Mile House, on the Reading Pike, in this county. The Democrats, hearing of the meeting, resolved to have a meeting, too, at the same time and place, and they invited the young Donn Piatt to address the meeting on the subject of the tariff. Whigs and Democrats met, and were assembled, and orators for both occasions were present and ready. But how was this thing to be done? Should the meetings clash, they would break up in a row. The thing was at last remedied. It was resolved by Whigs and Democrats present, that there should be a debate between the orators upon the important subject of the tariff, and the orators were consulted. Greene did not like, mature man as he

was, to cope in political discussion with such a fledgling as the young Donn. Piatt at once agreed, his youthful ambition being ripe, and resolved to conquer age and the constitutional eloquence of William Greene, Esq. Greene could not get out of the corner, and at last assented. Debate began, Greene taking the initiative half hour, and Donn taking notes, and having in his coat pockets many written documents, filled with black and white figures. Donn arose in reply, and pulling out his written figures, plied them so heavily upon poor Greene's arguments, that he was much disturbed and chagrined at the apparent victory, Piatt was achieving, by his written facts and figures. He kept rising in his place and interrupting Piatt, exclaiming, "Where did you get your facts? Where did you get your figures? Where did they come from?"

"Here they are," replied Donn, "in black and white."

"But where did they come from?"

"Here they are, in black and white." Here are the statistics; here are the facts; here are the figures in black and white;" iterated, and reiterated Piatt.

"But where did you get them? I object—I object," interrupted Greene, "I emphatically object!"

"I got them from the United States Treasury and Custom House Departments. There they are in black and white, and *figures*, fellow-citizens—FIGURES, DON'T LIE—FIGURES DON'T LIE!"

Greene grew black and white in anger at the reiterated citation of the black and white figures, and finally he excitedly arose, and with his high-pipe, squeaking voice, screamed out to the topmost pitch:

"Mr. Chairman and fellow-citizens, *figures don't lie, to be sure*; BUT THOSE WHO WRITE THEM OUT, VERY OFTEN LIE!"

The old man had the democratic youth that time, and no mistake. But the democrats assembled were too many and too much for Mr. Greene, and they hurrahed and hurrahed and out-hurrahed the Whigs in the minority; and the election of Piatt to the honors of a victory over his *green* adversary was carried by a very "large majority," and the political mass meeting broke up, and the oratorical combatants returned to the city.

But William Greene, after all, was a very good man and a very good lawyer, although he had his foibles on the Constitution. Ben Fessenden used to say of him that, whatever else on any and all subjects he might know, he was certainly *green* on the Constitution,—and there let him rest, ever *Greene* in memory—for his virtues.

LAWYER FINDLAY AND THE MULATTO INDIAN OR
THE INDIAN MULATTO.

The Findlays were an early family of Cincinnati, and Lawyer and General Samuel Findlay was one of the important members of the family. He was an intellectual man and a good lawyer; but he became fonder of politics, and engaging in them most earnestly and prosperously, he was sent to Congress from the Hamilton county district, once or twice, in the later twenties. He was a first-rate man in every sense, and we are glad to put him down in our reminiscences. I remember him as I saw him and knew him in my boyhood—a burly, portly form, largely developed frontal head, adorned with sandy hair, and he had the mien and manners of a finished gentleman. But there is a good story told and remembered about Sam, burly Sam, General Sam, and it must be repeated, though somewhat at the general expense, and the General's expense.

Some time in the year 1829, Cincinnati was all alive, and the *elite* of the city were all completely exercised over a visit of one General John Ross, a great Indian Cherokee chief, who was received, feasted and party-ed, and balled and dined, and dinnared by everybody who had any pretensions to fashion. Among the young gentlemen of the city who paid particular attention to the doughty General, almost the guest of the city, were Sam Scott, Sam Findlay, and Dandy Foster. These three *elite* gentlemen were fashionable associates in those days, and all well known and well received in the very best society, and they vied with each other in their peculiar and particular attentions to General John Ross. General Sam Findlay took General John Ross every place—to parties, to balls and routs ; to the theatre, to concerts, and on Sundays, even to church. After a nine days' wonder, the Indian chief or General John Ross, of the great Cherokee tribe and nation, turned out to be an imposter, a pretender, and was found out to be no more or less than a *mulatto*—a fugitive slave, indeed—from the wilds of Arkansas ; and as an end to the comedy that had been so well enacted, he was arrested as such fugitive, and carried back to his white master, and slaveholder in the State of Arkansas. And *this* too was found out, that Sam Scott, the fashionable military hero of those days, and lawyer, General Sam Findley had more than once, each and together shared the common bed of the *mulatto*, General John Ross, at his room in the Cincinnati Hotel, at the corner of Broadway and Front streets. So the chambermaid of the room said, and affirmed, and would have it so ; and the fact, bruited about, became a standing and lasting joke among the old members of the bar, upon poor Sam Findlay. Whenever and wherever,

a brother lawyer would, or might meet Findlay, he would ply him with the interrogatory :—"What's the price of niggers?" "Sam, how about Sambo?" "How is your friend Ross—General Ross—General John Ross—brother Sam?" And then : "How about the Indian chief?" "How about the Cherokee?" "How about the Cherokee general, your particular friend?" And then again. "How about the African odor?" Could you endure it in bed? How could you go to bed with it? What is a bed of roses? "Was it *cau de cologne*, or *la Africaine*?" "Ar'n't mulattoes as well as comparisons, odorous?"

Poor Findlay was almost driven to despair, and from the city. He declared, affirmed, and he swore, that he didn't *sleep* with the nigger; that he never knew the nigger; never, hardly ever, saw the nigger, and never heard of the nigger; but all to no purpose, for the chambermaid's story, a disinterested witness, was against him, and all his denials were useless and vain, and Sam Findlay, the lawyer, and the Congressman, and the General, was ever known to his last days, as the man who had slept with the "nigger;" as the gentleman, who was fond of turning over, and turning up, the ace of spades as his trump card, as a pirate who wore black colors. One day, the punster Peyton S. Symmes, came *across* Sam, and he asked him, why he was like the letter C. Sam gave it up. "Well," said Peyton, "because whenever we prefix you to Ross, you become *cross*." And this was not the only pun at the expense of despairing Findlay. Another one, one *more*, or rather *Moore*, was :

"Long, long, be my heart with such memories fill'd
Like the vase in which *Roses* have once been distill'd;
You may break, you may shatter, the vase if you will,
But the scent of the *Roses* will hang round it still."

LAWYER CHARLES FOX AND THE YOUNG JUDGE.

Of all the members of the bar of the old court house, of 1825, the only one now living (1880) is Charles Fox, who, as we have before said, is yet practicing law, notwithstanding he is over four score years of age. He is a remarkable example of the great and practical longevity of the English constitution, for—

“It is greatly to his credit
That he is an Englishman.”

He was born in England, and came to this country at an early age. He came to this city soon after 1820, and engaged for a while in the occupation and trade of a carpenter, and coupled with this, having much talent, learning, and ability in music and singing, he was a singing school master and teacher. My eldest sister, when a girl, was one of his pupils, and was taught to sing by him. His singing ability was kept up, and in days of yore, at any bar festivity “Charley Fox” was always called upon for a song, and he always complied and sang a good song, to the great entertainment of the company. He studied the law, and in 1823 was admitted to the bar of the old court house, and soon, by the utmost industry, diligence, and perseverance, he obtained and maintained a large practice. He was an early partner of Bellamy Storer, and the old firm of Storer and Fox lasted with considerable business, for a long while. Perhaps there was, and now is, no lawyer who has had, and has attended to more law business than Charley Fox, as he used to be so familiarly called. I remember the time when he used to be on one side or the other of every important case in court, and he was always regarded by his brethren of the bar as a wide-awake, and sometimes formidable adversary. His extended experience made him most

learned in the law, and particularly in its practice, and he used to be sought for, for advice and counsel, in many questions of law practice, and the judges of the bench were in the habit, frequently, of interrogating lawyer Fox as to what was the true and right practice in given cases. On one occasion before the court, on a question involving difficult and abstruse points of law, the judge presiding was against the views of Lawyer Fox, and so decided, to the discomfiture and hot indignation of the old and experienced lawyer. The judge who thus decided against Mr. Fox was quite a young judge—quite a young man—though, as afterwards proved, “his judgment was much more elder than his looks;” and Mister Fox much prided himself on his great experience and his venerable years.

So he got up and indignantly proclaimed to the Court: “May it please the Court: the Court is wrong on this question; it is an outrage on my clients and on justice! I have been at the bar a very long while, and, old and experienced as I am, I never heard such a decision from a Court; the Court is too young and inexperienced; we have fallen on evil times!

Judge.—“Stop, Mr. Fox! take your seat directly; as young and inexperienced as we are, we will not endure this contempt even from you!” Fox sat right down in complete obedience, and the Court continued: “We have fallen on *better* times, perhaps, Counselor Fox. Young hunters as well as old ones can catch old *foxes*, notwithstanding their old and experienced tricks.”

This was of course enough; there was no more contempt of court, or fuss of lawyer.

LAWYER DAN STONE, AND THE YOUNGSTER LAWYER.

I remember well, Lawyer Dan Stone, but he was much fonder of politics and going to the Legislature than of practicing law ; he was much fonder of making, than he was of practicing law ; but he was a *hardheaded* old fellow, and sometimes a pretty good lawyer when he was trying a *good* case in court. On one of these occasions he was fretted and baffled a good deal by a young sprig of the law, who, however, knew very well what he was about. He bothered Lawyer Stone considerably, and at last Dan Stone began to upbraid and denounce the young lawyer as ignorant and inexperienced in the law, when the youngster jumped up and declared :

“ May it please the Court, I have had as much experience in the *practice* of the law as my old and experienced adversary. I think more, indeed ; for he is more ambitious of making law at Columbus, than he is of practicing under law, here. If he talks of ignorance in the practice of the law, I respectfully advise him that he lives in a glass house, and should not cast *the first D—n Stone* at me or any other lawyer, young or old.

LAWYER E. S. HAINES AND THE YOUNG POLITICIAN.

Lawyer E. S. Haines was a good lawyer and a mild and polished gentleman. He was for many years Surveyor General of the Land Office here, by appointment of General Andrew Jackson through his Congressman brother-in-law, and particular friend of the President, Robert T. Lytle. He was given somewhat to politics as well as to law, and though for the most part a democrat, in his later years, when he was no longer Surveyor General, he kicked in the democratic traces, and became an independent candidate himself, for Congress. Of

course both whigs and democrats, who had their favorite candidates, were opposed to him, and more especially the democrats, for he was, by his independent action, breaking more seriously into their ranks. A young democratic stumpster met Haines at a mass-meeting on the stump, and Haines spoke first, and the youngster followed, and he thus concluded his speech: "and now, fellow citizens, who is this man Haines? I suspect he is the same fellow who was once traveling along the roads of Virginia on horseback in company with Tom Jefferson, and not knowing who his friendly companion was, and being a strong federalist, and utterly opposed to Jefferson and the democracy, he carried on conversation for some time, denouncing President Jefferson and the democracy, in the most violent and outrageous terms; and Tom Jefferson stood it all with much composure, and without disclosing or exposing himself, to his fellow-traveler. The fellow quite through with his terrible denunciation of Jefferson, and anxious to find out whom he was riding with, at last ventured to ask his horseback-companion *his name*, just as they arrived at Jefferson's gate at Monticello. Said the President: 'My name is Thomas Jefferson!' Putting spurs immediately to his horse, the fellow yelled out: '*My name is Haines—and I'm off!*'"

The youngster stump politician stumped General Haines that time!

LAWYER MOSES BROOKS, AND HIS OPPONENT.

Moses Brooks, though somewhat given to the law, was more given perhaps, to literature, and general education. It seems that he was at first an innkeeper in this city keeping an inn in 1819, on East Front street. When he got to be a lawyer, I am not informed. I knew him

in his age, a prosperous and worthy gentleman. In 1824 he conducted a weekly and not a weakly literary newspaper, called the *Cincinnati Literary Gazette and Chronicle*, which was afterwards, I believe, changed into the old *Cincinnati Chronicle*, a semi-weekly newspaper. Moses Brooks was a strong man, and a pretty good lawyer. He was engaged in trying a case one day, in the old Court of Common Pleas, and was much harassed and worried, by his opponent, and adversary lawyer. He got out of all patience with his opponent, and being *classical* in his indignation, he suddenly but unfortunately, ventured to quote the first lines of Cicero's oration against Cataline. "*Quousque tandem abutere, Catalina, patientia nostra?*" and did not hit the citation exactly, calling the word *nostra*, "nostrum." At once his antagonist took advantage of Moses, and he jumped up in his place, and said: "May it please the court. I may be a Cat-a-line to this, our Moses, and I may dreadfully abuse his *imp*-patience, but I would most respectfully advise him when he verges, or ventures on classical books, or brooks, he will not engage in peddling "*nostrums*." This one *nostrum* of his, so unfortunately and unmistakingly supplied, and applied, sickens me! And if I desired to be classical in reply, I would in agony and disgust at his *nostrum*, exclaim: "*O Tempora. Oh Moses!*"

It is of ancient record that Moses was found in the bulrushes. On this occasion our lawyer Moses was found incontinently drowned in his own Brooks, and he was seen no more in that case. Further, *non inventus, erat. Non-nunquam!* at least, "hardly ever."

LAWYER ISAIAH WING.

Isaiah Wing, in the days I remember him,—boy as I was—was quite an old man. He was a lawyer, and perhaps a tolerably good one, for what I know to the contrary; but he preferred to exercise the functions of a justice of the peace, and this good anecdote is remembered of him:

THE OLD 'SQUIRE AND THE YOUNG LAWYER.

In ancient days old 'Squire Wing used to be a justice of the peace in our city for the township of Cincinnati. One day there was an important trial going on before him in which a young and brassy lawyer was engaged for the defendant. The trial was much retarded by the interruptions, interjections, and interlocutions of the young barrister, till at last the 'Squire was wearied out, and he observed to the young lawyer: "I am gettin' *'long in years*, young man, and I must say, I never saw a lawyer *just like you*."

Young lawyer.—"And I never saw a 'Squire *just like you*. I never saw one *so long in (y)ears*. Like Dogberry in the play, you should be 'written down an *Ass!*'"

What could be done to support or vindicate the dignity of the Court in such a case? Why, just nothing; and nothing was done in that behalf, and the case went on, the young lawyer making, and having the best of it, of course.

ELIJAH HAYWARD, JOHN HENDERSON, JESSE KIMBALL,
SAMUEL LEWIS, ARTHUR ST. CLAIR, DANIEL
VAN MATRE, JOHN G. WORTHINGTON,
BENJAMIN F. POWERS, AND
OTHERS.

To finish up the list of the lawyers of the old court house of the early year, 1825, we have :

Elijah Hayward, once a partner of David Wade in the practice of the law, and a member of the Legislature of Ohio, I think, and once a supreme judge of our State. He was a good man and a good lawyer.

John Henderson, a son of old Judge Tom Henderson, and a brother of Thomas Jefferson Henderson, was an early young lawyer, but he removed to the city of New York, and left our association, and we have no particular reminiscences of him here.

Jesse Kimball was a good lawyer and a public-spirited citizen, and he was much in public life and devoted to law-making for the city, and to the education of its citizens.

Samuel Lewis, was a good lawyer and really a strong public man. He was one of the founders of Woodward High School and was much engaged in the founding and promotion of our public schools, and was distinguished above all, for being one of the original strong abolitionists, and was nominated by them for Governor of Ohio, and ran well before the people for the office. Few citizens of Cincinnati are better remembered than Samuel Lewis. He was a very strong man in all regards.

Arthur St. Clair, was the son of General Arthur St. Clair, whose history belongs eminently to the Western country, and was much respected and esteemed as a lawyer and a gentleman. The old St. Clair mansion, a

great dwelling house of early days, was situated on Main street between Seventh and Ninth streets, and was surrounded with beautiful grounds, pleasantly cultivated and adorned. Lawyer St. Clair, removed, I think at an early time, to the town of Hamilton, and became an active member of the bar of Butler county.

Daniel Van Matre, I remember very well ; he having lived to a good old age, up to comparatively recent times. He was in early time and for a very long time, prosecuting attorney of Hamilton county, and as such gave great satisfaction to judges, lawyers, and the people. He was a plain, simple, honest, honorable man, and obtained, and maintained the respect of all, during his long life of usefulness.

John G. Worthington, was a respectable lawyer, and a very complete gentleman. He early married one of the bright belles of the town of Dayton, and through her wealth, was made at ease in the world, and had little or no occasion to practice the law, but he always maintained his position as a lawyer, and a gentleman.

Benjamin F. Powers, was an elder brother of the great sculptor Hiram Powers, and came to this city from the State of Vermont in 1824, I think, and began the practice of the law, but soon became one of the proprietors and the chief editor of the *Cincinnati Liberty Hall & Gazette*, and as such was more distinguished, than as a lawyer.

Of the remaining names on the list of the old lawyers of the year 1825, I am at a loss to say anything, but without a doubt, they were good lawyers, and honorable gentlemen, good men and true.

SOME PERTINENT REFLECTIONS—PERHAPS !

In the doings of our old courts, and things connected therewith, many noted and remarkable occurrences took place, which would be absolutely impossible in these times. In the old days, things were done with more, much more time to do them in, and with the leisure afforded, judges and lawyers could afford to cultivate other sides of character, than that of the mere business lawyer, and they did so, and thus we have the field to which we have resorted—in the old times of the old court house—for our reminiscences and anecdotes. In the mere dry and sharp business transactions which occur now-a-days in the courts, there is no room for wit, sentiment, anecdote, and—I was going to say—even principle, but it was not so, long ago. Lawyers were not mere lawyers; they were many-sided characters; they were eloquent, humorous and witty, and wise as men, and did not swallow up everything in the straight or crooked business of the law, either in court or in their offices, or out of both. They used to cultivate the heart as well as the mind. They were men of feeling as well as of brain, and high-toned honor, and honesty prevailed for the most part among them. And thus they stood out distinguished among their fellow-citizens, and properly, and meritoriously so. They stood up, too, for their profession, as a profession—emphatically one of the learned professions—and were not traders and shop-keepers, as most of lawyers necessarily are in modern days. In great cities like New York it has become so, that the courts are but wholesale jobbing houses of the law, while the offices of the lawyers are but retail shops of law merchandise. During a five years' sojourn in that city, I found it

emphatically and eminently so, and I came to the conclusion that the administration of the law, and the practice of the law in New York, were but *the law gambling operations of a great law Wall street, and judges and lawyers were mere law brokers.*

Now, our courts and bar here, are not quite so bad as that—not so bad as those of New York City—but I am afraid we are fast becoming wholesale jobbers and retail shopkeepers of law, and have no time to indulge in anything else ; certainly not in forensic eloquence ! Where are the *orators* now at our bar ? Why, we have not time to listen to them, much less to cherish and cultivate them, and a flight of eloquence at the bar now-a-days would be looked upon and regarded as a flight of a fugitive from the legal propriety limits—the fetters of the business of the law. It would seem that the thing can not be helped as bad as it is, and we must be satisfied to let smartness, cunning, shrewdness, and business tact, and art prevail over learning, knowledge, and genius in the law. We must submit to the inevitable, and so far as lawyers are concerned for their success, we must, like they do with the leg-itimate drama—respect, admire, and regard *legs* as over-reaching brains. So goes the world ; and we of the world, can not help it.

LAWYER FESSENDEN AND THE CASE OF ADULTERY.

Who that ever knew him, will ever forget jolly, humorous, witty, convivial Ben Fessenden ! He came to Cincinnati from “way down East”—and was, I believe, an elder brother or a cousin, or something of Senator Fessenden. He emigrated, or immigrated, to practice law here in Cincinnati, and he was a well-read and a *deep red* lawyer sometimes. His humorous and

witty sallies in court were frequently the occasion of much amusement and merriment with court and bar. Whenever it was known that jolly Ben was going to address the court or jury, you might be sure there would be a strong force of listeners inside and outside of the bar. He was a fellow of infinite jest. I knew him well, and never knew him to "entangle justice in her net of law." But, on the contrary, he was always engaged in threading the labyrinth, so that we would be led to exclaim after hearing him,

"Law does not put the least restraint
Upon our freedom, but maintain't;
Or if it does, 'tis for our good,
To give us freer latitude "

Well, Fessenden was one day engaged in defending a weak and winsome client for the heinous offense of adultery, brought against him upon the persecuting prosecution of his wife, who was so large, fat and portly that she would make two or three personalities of her husband in standard weight. The *particeps criminis* of whom the ponderous wife was so deeply jealous as to bring her husband to law for her love, was a little, wee bit of a woman, and not particularly distinguished for parts, or appearance. Fessenden grew very eloquent in the proper and spirited defense of his client, and as he progressed, his eloquence largely accumulated. Both the little woman and the big, weighty woman, and the prisoner, her husband, were in the court room, sitting before the jury and the court, when all at once, bursting forth in rhapsody, and pointing out with long fingers to the different individuals, Fessenden exclaimed, "Gentlemen of the jury, it cannot be; as the countryman said, 'it's agin human natur'" —it cannot be,—my client there is not guilty, can-

not be guilty—it's absurd! "Who on this mountain, (pointing to the large, fat wife) would leave to feed, and batten on this moor"—(overshadowing the poor, little, trembling woman with his spread-out hand) "who tell me—who? My client, gentlemen of the jury, is no such Nebuchadnezzar! He feeds on no such grass!"

Ben's eloquence and wit prevailed, and he and his client were rendered happy by a verdict of "not guilty." In response to "Who, tell me who?" his client was, not at all, the man who would leave the mountain to go to grass on the moor.

BEN FESSENDEN AND ADAM RIDDLE.

This "Who" reminds me of another anecdote of bountiful Ben Fessenden, in his funny career at the bar. In the trial of an interesting suit at law, he had for his opponent Adam Riddle, who, as everybody used to know, was peculiarly and particularly distinguished for being a good lawyer and knowing no law. He had his ways and his by-ways, and either of these were something that "no fellah could well find out." But he was accounted a pretty good advocate before a jury, and this particularly for his *suaviter in modo*, and most gracious and winning ways. Well, he was in the case, Ben's opponent, and he was about to carry all before him. During his finale to the jury, he exclaimed in triumph, "Who, gentlemen of the jury, who could have done this but the client of my opposing counsel? Who—*who*—WHO!!!" And Riddle, sat down, as he thought, to enjoy his triumph. But Ben was after him, and he began to the court and the jury: "May it please the court and gentlemen of the jury, my learned friend is *a riddle* to me; he is, indeed, A-dam Riddle, as the sign on his law office, as well as

his speech here, show. But before I get through, although he is such a poser with his 'who—*who*—WHO!' I will give him an answer that will riddle his case for him, if he has not already sufficiently riddled it himself. He puts me in mind of a celebrated French horn musician whom I once saw and heard blowing out his brains, through the sinuosities of his multifariously crooked horn. It was one time, in the great Music Hall of the town of Boston, that I was present, with a very large and numerous audience, listening to a great oratorio of sacred music, performed by a thousand voices and a great, big orchestra of instruments. The horn player was an object of interest, from the interest and enthusiasm he displayed with his blow and blast.

"The choir got along very well, and at last they, in their singing, accompanied by the instruments, reached the sacred exclamation of 'Who is this King of Glory? Who, tell me, who?' The phrase of the music was sung quite loud, loud enough, abundantly loud, and our horn player was terribly exercised and excited with his horn. It was necessary at the phrasing of 'who, tell me who?' for him to blow a blast from the horn. And he did blow—oh! such a sound, such a terrible and terrifying blast, that the labyrinthal crooks and sinuosities of his big, brazen French horn, were blown, completely straightened out, and nothing was left of them. His blasted and blasting 'who, tell me who?' as interpreted by him on his horn, was entirely too much for the horn. It proved the complete destruction and annihilation of its bends and its crooks. So with my friend and opponent—his last blast of 'who, tell me who?' has blown straight out all the crookedness and sinuosities of his case, as full of brass as they are. His case is completely riddled; his hope and horn are done

for, and he must take another horn—of the dilemma,—or resort to his horn-books.”

BEN FESSENDEN'S STORY OF THE JUDGE.

Ben Fessenden was a clever gentleman in both the English and American senses. In and out of the bar, he could always tell a good, merry anecdote. He used to tell me the following: There was a certain judge, of this city, whom I will not name, distinguished for his vanity, self-importance, and marked baldness of rugged pate. One day, Ben, in talking to him, persuaded him that he ought to have his head examined by a phrenologist. Phrenology had just become one of the sciences in those days. The judge, flattered by the attention of Ben to his cranium, consented to go to a phrenologist. Fessenden took the vainglorious judge to a certain blind phrenologist, well known for his skill at that time, and placing the bald head of the judge under the manipulating fingers of the blind man of science, both waited results. The phrenologist felt over and over again the polished surface of what was placed under his hand, and at last exclaimed: “If I was not plainly assured by you, Mr. Fessenden, that this which I am now manipulating was the head of a *human* being, I would certainly take it, by my delicate and scientific sense of feeling, to be the uneven variations and irregularities of the deviating surface of a *squash*, or a *pumpkin*, or a *gourd*!” *Exit judge!*”

BEN FESSENDEN “USED UP” BY A WITNESS.

One funny incident occurred in the days of the old court house somewhat at the expense of “rare Ben:”

There was occasion, it will be remembered, to allude

to the fact that occasionally our friend Ben, in his conviviality became the *deep red* lawyer and counselor, and he never took pains—like some of our inebriate moderate drinkers—to conceal it, for

“His heart was open as the day,
His feelings all were true,”

And when he drank, he did it openly and above board. Ben was one day engaged in the defense in a divorce case in which the plaintiff wife charged the defendant husband with “habitual drunkenness for three years,” according to the statute, and for that cause prayed the court to grant her a divorce. Habitual drunkenness is well known to judges and lawyers, if not to the public, a very difficult matter to prove. In the first place, it is hard to define. The statute itself does not define the term, and courts and lawyers in divorce causes have very great difficulty in knowing and understanding exactly what habitual drunkenness, by the statute, means—and what it is, in fact. The puzzling question is: How drunk must a man be, and how often, to constitute habitual drunkenness? It is not exactly the question of the quantity of beer or liquor a man may drink, for some can stand gallons—barrels of it—while others can not stand more than a glass, and not even that. Nor yet is it the quality of the beverage that may come into the perplexing question—the matter is drunkenness, and not only that, but habitual drunkenness, and this is hard for any one to find out, particularly when he is on the bench, or practicing law. In the case of divorce before the court, in which Ben was engaged for the defense, to stop the plaintiff from procuring a divorce, a hard-headed and hard-hearted witness, as Ben was forced to think, had already testified very hard and strong against the defend-

ant, Ben's client, on this puzzling subject of drunkenness, and now Ben was engaged in cross-examining the witness as to really *how* drunk the defendant was when the witness saw him, and he had already rendered the witness exceedingly indignant by his repeated questioning as to the *how*, and Ben continued, pertinaciously :

"Now, witness, I must ask you again, for the proper information of the court, as well as my own, as to the drunkenness of my client. You say you have seen him drunk a great many times. How often have you seen him drunk?"

Witness.—Almost every time I saw him.

Ben.—How often was that?

Witness.—Well, I did n't keep account of the times, but I should say at least once a week, at all events.

Ben.—Only once a week, eh? Well, that is truly moderate. And *how* drunk was he then?

Witness.—Well, Mr. Fessenden, it is impossible for me to say how drunk he was. How can I tell *how* drunk he was? He was n't sober, I know this well; but as to how drunk, how can I tell how drunk a man was?

Ben.—But you must tell, notwithstanding, and we do n't want any of your reflective philosophy. And now I ask you again, and want a direct answer, how drunk was the defendant when you saw him only once a week?

Witness.—Well if I must make an answer, I would say the defendant was about as slippery and drunk as you were when I last saw you at the "St. Charles," on Third street, the other day.

This was sufficient for Ben, and ended the cross-examination at once, to the somewhat seldom discomfiture of Ben, and to the infinite amusement of the Court, who did not laugh, however, but smiled, and the lawyers

of the bar, who did laugh a little, and to the audience, who broke out loudly and boisterously. Ben, however, soon recovered himself, and, imitating the Court, went out from the court room and the court house for a while, and *smiled*, as he was sometimes wont to do, and returned and won his case for his client, as he was also frequently wont to do.

LAWYER TOM STRAIT AND BEN FESSENDEN IN COLLISION.

I am happily reminded of the story of Lawyer Tom Strait and Lawyer Ben Fessenden encountering each other in a knotty and naughty steamboat collision case. In early days the Ohio river was a stream of great importance—to Cincinnati everything, almost—and steamboats and their appertainings occupied much more of public attention, lawyers' attention, judges' attention, and juries' attention than they do now-a-days. The docket, of our old Court of Common Pleas contained many, many cases involving steamboats and their relations. Collisions of the many steamboats, plying the Ohio, used frequently to occur, and, of course, steamboat collision cases were almost as plentiful as blackberries, in the records of the old courts, and of all cases they were by far the most complicated and troublesome to the Court, the juries, the witnesses, the parties, and the lawyers; and the only persons they were not troublesome to, were the auditors in the court room, who always were numerous, and looked on, and enjoyed the complex troubles of all concerned in the *trials*! There was this peculiarity about all steamboat collision cases: It was always hard, a matter of the most extreme difficulty, to find out from the testimony what *were the real bona-fide facts of the case*. The partisan witnesses on either side were always pre-

pared to, and always did swear right against each other. Sometimes there would be twenty or thirty witnesses who would testify directly for one steamboat, and twenty-one or thirty-one others who would swear point blank for the other steamboat, so that there was generally no telling which was in fault for the collision, the plaintiff steamboat or the defendant steamboat. In one of these cases before the court, Strait and Fessenden were contesting, and hotly contesting, almost to fever heat. I forget now the names of the steamboats they respectively represented as lawyers on either side, but it makes no difference. The case was almost equally balanced in the testimony, and it was hard, very hard to say which side had the advantage. The evidence was all in, and Mr. Strait made his argument *on the facts* to the jury. Tom Strait was a plain, blunt man—perhaps after the style of Shakespeare's Mark Antony—and before a jury he was distinguished as an analyzer of the facts of any case in which he was engaged. He well knew this reputation and distinction of himself, and, on this occasion, after getting through his argument before the jury for his steamboat, the plaintiff, he concluded his speech about thus :

“And now, gentlemen of the jury, I have given you the facts of this case. I deal in facts ; I am a man of facts ; and I defy my learned friend, my opponent, to contradict them. On these facts which I have spread before you, gentlemen of the jury, I confidently rely upon a verdict at your hands.” And Tom Strait sat down.

Now plentiful Ben arose, and he thus began *in medias res* :

“Gentlemen of the jury, I am fully aware of the fact that my learned friend for the plaintiff gives you *his*

facts of this case. He is, as he so loudly and triumphantly claims for himself, a dealer in facts; yea, a *double dealer* in facts! He is, as he says, a man of facts; yes, gentlemen of the jury, a *man-u-facturer* of facts, *for he makes up all of them, just as he goes along*. He might justly be styled the great *factor* in this case, or, better still, the *fact totum*! I do not wonder that he *lies* so much in his bed of facts, and *re-lies* upon you for a verdict."

Ben Fessenden gained his cause.

BEN FESSENDEN AND JOE FALES—JEO-FAILS!

Old Stephen Joseph Fales was a learned man of the law, and was a faithful practitioner. He was a perfect gentleman in manners; so much so that he achieved quite a reputation for that. He was sometimes called, on account of his name, Joe Fales, the begetter and author of the English Statute of "*jeofails*." It is in my memory that legal witticisms frequently occurred among the lawyers at the expense of our quondam friend, on account of his name. On one occasion, Ben Fessenden was asking for an amendment to the declaration in his case, and Mr. Fales happening at the time to come inside the bar, Ben exclaimed to his adversary, "It is all right now; *Jeofails* is here, and, according to him, I must have my amendment," and he got it, his adversary being convulsed with laughter, and unable to overcome the legal and personal sally, for it was true, as pronounced by the Court, that according to the statute of *jeofails*, Ben was entitled to his amendment, the statute duly providing for the correction or amendment of any oversight in pleading or other proceeding in law, and Ben, according to the meaning of the word *jeofail*, had duly acknowledged his

mistake, by declaring: "I have failed by an oversight on my declaration."

BEN FESSENDEN'S NEW APPLICATION OF 'SUICIDE.'

Fessenden was engaged as a lawyer for the prisoner in trying a case of grand larceny. His client was indicted for stealing a number of hogs and killing them, of the value of fifty dollars, and Ben was defending him, and he thus concluded his speech for his client to the jury:

"So you see, gentlemen of the jury, my client is not guilty of stealing, and killing these hogs. To convict him of hog-stealing and *killing hogs*, would be to convict him of *suicide*, which can not be, by law."

For some time, the judges and lawyers did not see the point of the pun, but the Latin of some of them helped them at last, and they then saw that suicide by Latin derivation of the word *sus*—a hog—could mean the killing, of a hog as well as the killing of one's self. It was certainly a new *pun-stirring* application of the word "suicide," and it was classical into the bargain. It was certainly hog Latin, and very proper in this city of *Porkopolis*.

BEN FESSENDEN AND JEEMES RILEY.

Jeemes Riley, as he was sometimes called in addition to his other remarkable eccentricities, had peculiar eyes, and one of them more elevated than the other, and out of which he always looked at you, and took his view of various objects and subjects, too, I suppose, was distinguished by a peculiar cast, and the most singular of squints, so that when looking with it, he seemed, as the boys have it, looking always, "two ways

for Sunday." He and Ben Fessenden were on opposite sides in a case, and the drawn-out prolixity of the former, was in continual contrast with the ready wit of the latter. The slowness of Riley *roiled* the rapidity of Ben, and sometimes he said things not altogether polite or discreet. Once Fessenden interrupted Riley, and began to address the court.

"Mr. Fessenden," said Riley, "don't go off *half-cocked*, if you please, you see things only with half an eye."

"Do I?" replied Ben. "If I go off half-cocked, you always go off all cocked, for you always see things with a *ready cock in your eye*."

LAWYER GAINES AND HIS DIVORCE CASE.

A good story about Henry P. Gaines, Esq., one of the old lawyers, was frequently alluded to, at the bar. He was a man of learning and education, and a lawyer, too, of talent and ability, but, like "mine ancient Pistol" of Shakesperian memory, he was somehow or other, given to low company and low tastes. This probably arose from his dissipated habits, for he was a victim to them, in more ways than one. He had a little, old dingy law office in Foote's row, on the the north side of Third street, east of Vine, and there he used to eat, and sleep, and practice law, and do perhaps, many and curious things. He was of portly *personnelle*, about six feet high, and rounded-belly figure, so that in looks at least, he was quite a big man in the street, and in any kind of bar. His face was broad and heavy, distinguished by a large, full, square nose, and quite small, twinkling eyes. This nose, while the face was always red, was of a dark, scarlet color, and reminded every one who saw

him, and was acquainted with Shakespere, of Falstaff's burly companion, "Bardolph." He kept a continual and continuous beacon light to all way-farers, on the broad end of his nose, instead of in the poop; and thus, too, was a standing and walking lecture for the temperance folks, who might have pointed with pride to Gaines' nose, and said: 'Behold the results and the effects'—this last especially, if he and they had been in his office at the time. Gaines, though, was a good fellow, and as Fessenden was only occasionally the deep *red* lawyer, Gaines was always so; and among his brethren he obtained and sustained fully, the emphatic sobriquet of the "deep red lawyer" of the Cincinnati bar. Among his deficiencies, too, was a great want of hearing, especially when he did n't want to hear; and on account of this deafness he was sometimes subjected, and sometimes subjected others, to curious positions and situations, and complications. Once upon a time, old Gaines, for he was old and venerable, was engaged to a woman, not for marriage, but divorce, and was, in the trial of her case for that purpose in the Court of Common Pleas, before the presiding judge and his three associates. The charge in the woman's complaint against the husband was adultery, and Gaines and his *deafness* had a hard and tedious time with the judges, the opposite attorney, his client, the witnesses and himself. On the close of the testimony, as all cases of divorce used to be, the case was submitted to the decision of the court without argument, and the presiding judge declared and declaimed, quite loud enough:

"Mr. Gaines, the court is of the unanimous opinion that you have not made out your case."

Gaines—"What, may it please the court—what?"

Presiding Judge (loudly)—“We say we are of opinion, that you have not made out the case for the plaintiff.”

Gaines—“Oh, yes, yes, the plaintiff has her case. I will prepare the decree.”

Presiding Judge (very loudly)—“No, no, no ! not so, Mr. Gaines ; the plaintiff has no case against the defendant.”

Gaines—“I know that, your Honors, the defendant has no case at all.”

Presiding Judge (emphatically)—“No, you don’t understand, Mr. Gaines. The court will dismiss the case of the plaintiff under advisement.”

Gaines—“Oh, yes, I understand ; the case will be taken under advisement. Shall I prepare the decree ? Here it is ” (holding up one already prepared).

Presiding Judge (impatiently)—“No ! we give you no decree. We dismiss the case, but, because the plaintiff is a married woman, at the husband’s costs.”

Gaines—“That’s right, your honors ; the defendant should pay the costs. I have the decree prepared.”

Presiding Judge (out of all patience)—“Mr. Gaines, the court grants you *no* decree. Your case is dismissed at the defendant’s costs.”

Gaines—“So I hear. The defendant is to pay the costs, of course. Here is the decree ” (handing it to the judges on the bench).

Presiding Judge (to his brethren)—“Well, this is unfortunate—too bad. What shall we do ? (handing back the decree to Gaines). Mr. Gaines, take that decree away—away out of court, and take away yourself and client along with it.”

Gaines, (now perceiving, apparently for the first time)—“Oh, yes, your Honors, glad to go, glad to get rid of

you, glad to walk out with my dignity preserved from the precincts of *a court where-in-justice is done!* *Ha! Ha!!*"

So brother Gaines, in his speech, drawled out to the court, to give himself time to slowly march out, having emphatically *prefixed* the syllable "in" to the word "justice," instead of *annexing* it to the word "where," and having had his say, as he fondly thought, he made his exit, in solemn and measured dignity, in a sort of ponderous rage, accompanied with his long and deaf-ridden ears, and the boisterous entertainment of the lawyers and auditors. So much for our pains and our Gaines.

THE GINGER CAKE LAWYER.

There was one singular man, and peculiar and particular lawyer, who must not by any want of memory or *lapsus pennæ* be omitted. His name was Daniel H. Hawes, and he hailed from down East, I believe. When practicing at the bar of this city, from 1827 to 1834, he was always known as the "*ginger-cake lawyer.*" He was a good, smart lawyer, and commanded a good practice, and became a partner of Thomas J. Strait, who also had a good practice, and the firm of Strait & Hawes did well.

Mr. Hawes came to this city as a peddler, about our streets and markets—of cakes, in the year of 1827, on a wager, it was said, made at his Eastern home, that he would go out West to Cincinnati and peddle cakes, and make more money at that, than his partner in the law, whom he left, would make at home. He did come out West, to this city, and he did peddle cakes, and it was said, he did make more money for a period of a year than his partner at home. I remember him well as I saw him on Fifth street Market space, in my boyhood. He drove a beautifully scarlet painted wheelbarrow,

figured in blue and white, before him, filled with shelves and apartments, and these filled with all kinds of fancy cakes, including the very best ginger cakes and ginger snaps; and as he made his way, or stopped, followed or surrounded always by a crowd of children, and women, and men, he sung with a rich tenor voice beautiful songs, about his cakes. I remember a verse of one of them.

“Come buy, come buy my nice fresh cakes
They are better than the baker bakes.
They are made at home, and are homemade;
Come buy, come buy, success to trade.”

On the finishing of a song, he would sell a huge number of cakes, to the increased satisfaction of his large audiences and profitable gratification of himself. He made a great deal of money. I used to stop and listen to his songs, and whenever I had a penny or two I was sure to buy, and all my playmates did likewise. He was a great favorite among the young ones, who never tired of him, or his delicious cakes. But the novelty of his system in the course of about a year, wore off, and he concluded to change his business—hang up a shingle and practice law in this city. He did so in 1828, and already so well known as a cake seller, he soon became well known as a lawyer and from his former occupation he was designated by the brethren of the bar, who were not so overfond of his sudden transformation into a full-fledged member of the bar, as the “ginger-cake lawyer.” He became popular and was partner in the law of Mr. Strait, and he turned his attention to politics, and in the year 1832, I think, he was elected by the people of this county, to the Legislature at Columbus, where he served with distinction and approbation. General Harrison, afterwards President of the United States, was Mr. Hawes’ opponent as a

candidate for legislative honors, and the future President was then beaten by the "ginger-cake lawyer," by a large majority of the votes of the people. But after Mr. Hawes became a member of the General Assembly, he acquired singular and unprofitable notoriety by marrying a certain woman in haste and having a chance to repent at leisure. But he did not avail himself of the chance; on the contrary, being himself a member of the legislature as he was, he took advantage of the opportunity, and had a bill rushed through the House and Senate, absolutely divorcing him from the aforesaid lady. Of course the notorious repute thus attained, put an end to the political future of Mr. Hawes, and he came back and renewed his law practice, afterwards marrying a respectable lady of this city, but never again appearing as a politician. What became of this peculiar man, and singular genius I know not, but, of course, he must now be among those who have departed this life and gone to a better one. These incidents of his history are novel enough, and if we did not know they were true, we would be apt to consider them fictions. Ben Fessenden used to say of him, if he had used his "wo-hawes" as he did his "gee-bucks" he would have got along better, and made his mark in the world, for as he was a "ginger-cake lawyer," he was also a *ginger bred* lawyer, as some lawyers could well vouch for.

LAWYER ADAM RIDDLE, AND HIS VOTE FOR
RECONSIDERATION.

Lawyer Riddle, a son among many sons of an old, venerable and venerated pioneer of this city, was a "native and to the manor born." We have had occasion to notice him before in connection with others—but we

must tell one or two things more about this peculiar genius, who cultivated the *suaviter in modo*, to such an extreme, that it became a fault. He literally believed in, and practiced after the example of Saint Paul, being all things to all men, and on this account it was quite a *riddle* to every body to understand and know if lawyer A. Riddle really, had any opinions or convictions of his own. If he had, he certainly kept them to himself, and never made use of them. He was extremely fond of popularity, and on this account mingled much in politics, and did advance so far in these, as to become once or twice a representative in the Ohio legislature, and was once a State senator, and while he was that, this was told and remembered of him :

He was a strong democrat, having a strong democratic constituency ; but in the legislature, the democratic members—his fellows, had to keep their eyes upon him, to prevent him voting wrong every once in a while, so anxious was Senator Adam of pleasing all sides on any question. On one occasion, there was an important democratic measure pending, and, as there was only a democratic majority of one in the senate—his vote with the democracy was very important. But Adam had been on good fellowship with a coterie of whigs, and had promised them in his exuberance of good feeling, and friendly obligation, to vote with them, and against the democratic measure. The ayes and noes in the senate were called on the final vote on the bill, and to the surprise of every democrat, when the name of Adam Riddle was called by the clerk of the senate, the unlooked for response of an emphatic “no” came from the senator. Immediately he was surrounded by his brother democratic senators, and his colleague and

brother senator, Dr. Vattier, from this county, gruffly called to him :

“Why, Riddle, what is the matter with you, what in the devil did you vote ‘*no*’ for?” and the democratic senators were all around him, severely pressing and oppressing him, and almost driving him into a corner. But Adam was equal to the emergency, and arose fully to the occasion, and in his blandest way and manner, remarked most pleasurably and pleasantly :

“It is all right, brother senators, perfectly right—I voted ‘*no*,’ so that I might have the right and opportunity, by the rules of the senate, to move for a reconsideration ;” and he did then and there immediately move for a reconsideration of the vote, which, of course, was carried by the one majority ; and then the democratic measure was again voted for, and it became a law, at last, by the same one democratic majority, with whom brother Riddle took especial and particular care to be on good—the best of—terms, that time, and afterwards.

LAWYER RIDDLE ‘GIVING COLOR’ IN A CASE.

There was an important case on trial in court, managed by competent lawyers on either side ; and it was noticed that lawyer Riddle somehow or other, took great interest in the progress and development of the case, and was particularly anxious and solicitous for the success of the plaintiff. He sat by the attorney, for the plaintiff, and ever and anon, he was making and giving suggestions to him, and when the argument to the jury was being made, lawyer Riddle sat right before the jury, and in their fullest view, was continually engaged in nodding assent, and approval to everything that was said by the plaintiff’s attorney, and correspond-

ingly shaking his head, and dissenting to anything and everything presented by the attorney for the defendant.

At last, the defendant, who was present, and his attorney, got mad at Adam Riddle, and the attorney appealed directly to the Court, and wanted to know peremptorily, why it was, that lawyer Riddle was sitting there before the jury, and so openly expressing his assent to what was favorable to the plaintiff, and his dissent to what was expressed for the defendant.

"Was he" said the attorney, "allowed to do this as *amicus curiæ*, or a *curious cuss*? It was intolerable, and he wouldn't endure it, even from as old a lawyer as Adam Riddle."

At this offense, Adam Riddle arose to explain, and he said: "May it please the court, *amicus curiæ*, I am, and I am a friend of the plaintiff in this case, and I am employed by him, and as an old experienced lawyer, I sit here, *to give color to his case*, as I have a right to do."

The explanation was satisfactory, but the giving color to the plaintiff's case did not, it proved, win with the jury. There was a verdict for the defendant.

LAWYER HODGE AND LAWYER RIDDLE.

In the Court of Common Pleas, Lawyer Adam Riddle and Lawyer Adam Hodge—the two Adams—were on one occasion engaged on opposite sides in a land case, and in their legal discussion were both ostentatiously, very learned and astute. They succeeded, both of them, in bothering the court, each other, and themselves, in their attempted analysis of the intricate legal questions and points involved in the obdurate land case. At last, brother Hodge, in total despair of appreciation of the nice points of his adversary, exclaimed, "My brother oppo-

nent, Adam Riddle, I must be allowed to say, in the curious and cumbersome points which has raised, is *a dam Riddle to me*, begging the indulgence of the court for apparent profundity—I mean profanity.” Whereupon Brother Riddle immediately interrupting, arose and said, “I excuse the brother for not understanding me and my law-points, but if the court will permit, I pronounce him, in his land-law-points, *a dam Hodgc-podge*, sir.” Both were equally indulged as being equally pointed.

LAWYER THOMAS J. STRAIT.

Thomas J. Strait was a good lawyer, and especially a good advocate before a jury. He was not given to too much education or “larnin,” although, before he was a lawyer, he had been a country schoolmaster out in Miami township, and from this, by his own energy and skill, became and lived to be a lawyer of renown. He tried politics for a while, got so far as to be a candidate for Congress, but in this ambition as Ben Fessenden said of the musician’s brass horn, he was blown *straight out*, and never tried again. Living to a good old age, he removed to a plantation in the State of Mississippi, where, some seven or eight years ago, he departed this life, and his remains were brought here for sepulture. Everybody remembers Tom Strait, a good man as well as a good lawyer.

Lawyer Strait once had a curious partner in the law, by the name of Collins, and the firm used to be Strait & Collins. Now Collins, unlike his partner, was one who much prided himself on his wit, astuteness, and his learning in the law, especially when he was engaged in a criminal case—and this story is well remembered of him, which we shall entitle:—

LAWYER COLLINS, AND HERR ALEXANDER.

In the days of the old court house the great and celebrated magician, Herr Alexander, was performing his extraordinary tricks of magic and legerdemain at Shire's Theater, in this city, then standing on the present site of the Burnet House, and while there, he was robbed by his agent of a considerable amount of money. The agent was arrested and indicted, and was being tried in the old Court of Common Pleas, before a jury, and Collins was his lawyer. The indictment, according to legal phrase, alleged the money to be the property of Frederick Alexander—"of the goods, chattels, and moneys of one Frederick Alexander, then and there being found, did steal, take, and carry away, etc." To the surprise of the prosecuting attorney and the court, Lawyer Collins, before the evidence commenced, moved to quash the indictment and discharge the prisoner, and said he desired, in support of his motion, to call the prosecuting witness. The court permitted him to do so, and he called the magician witness, as "*Herr* Alexander." Mr. Alexander arose at the call and took his place in the witness box, and was sworn.

Lawyer Collins—"Are you the magician, Herr Alexander, and is that the name you are known by and which is so conspicuously posted on the corners of the streets upon your bills?"

Witness—"Yes, sir."

Lawyer Collins—"That will do. I now move the Court to quash the indictment and discharge the prisoner, because the indictment alleges the money to belong to *Frederick* Alexander, when I have proven that his name is *Herr* Alexander. This is a fatal variance, and must,

of course, discharge the prisoner. I therefore make the motion with the fullest confidence."

Collins then sat down in great apparent triumph and self-gratulation, and congratulation of the prisoner.

Prosecuting Attorney—"Stop a bit, Mr. Collins, I will examine the magician myself. Mr. Alexander, resume the witness stand. (Alexander retook the witness stand.) Mr. Alexander, what is your name?"

Witness—"Frederick Alexander."

Prosecuting Attorney—"That is your true Christian and surname?"

Witness—"Yes, sir."

Prosecuting Attorney—"That will do."

Lawyer Collins—"But it won't do, Mr. Prosecutor. Now witness, is not your true and real name Herr Alexander? Is not that the name you go by? and is that not the name on your bills?"

Witness—"Why, Mr. Lawyer, don't you know that Herr means only Mister, and that Herr Alexander means Mr. Alexander?"

Lawyer Collins—"No, I did not know. That was a *myster-y* to me. But is that so?"

Witness—"That is so. Herr is only a German title for Mister."

By this time everybody was laughing, judges, lawyers, and audience; and Lawyer Collins, who thought he had found a mare's nest, found, too late, on account of his ignorance of the German polite title, that he had sat upon a hornet's nest, and he fled in dismay from his motion, and the case went on, and his client was convicted in the finale.

YANKEE LAWYERS OF THE OLD COURT HOUSE; AMONG
THEM, LAWYER SALMON P. CHASE AND
LAWYER TIMOTHY WALKER.

In the days of my youth and young manhood, before and after I was admitted to the bar, a great passport to society, and to business and its emoluments in this our city, was *to be from New England or of New England birth*. It was so particularly, in reference to Massachusetts, New Hampshire, Rhode Island, and Vermont, and most particularly so to be from Boston—then considered by almost everybody hereabouts and elsewhere the “hub of the Universe” (better have considered it hub-bub). Boston and her school books, her schoolmasters, and schoolmarms, “and their sisters, their cousins and their aunts,” her poets, her philosophers, and all that sort of thing used to have considerable influence outside of their locality—for the better or the worse—and very much so in the West, and especially in Cincinnati in her earlier days. Why, we used to think that all the “larnin” came from Boston! Boston was the sun, and all other cities were satellites reflecting his light. But, “Oh, vain boast, ’tis not so *now*!” *Boston*—BOSTON has been *eclipsed* by other cities, East and West, and her light no more shines *alone* refulgent. She is not called upon any more to extend her arms all over this great West, and scoop up the “little ’uns” of the school houses, the seminaries, and the colleges. Well, let be. It was a saying in olden time that the “wise men came from the East.” The saying, I guess, was true, but this was and is a fact of greater truth and importance: If the wise men do, and did come *from* the East, when once out West, *they never go back again*. But the bar! New England lawyers had great chances and opportunities in the early

days of the bar of Cincinnati, and taking Yankee advantage of them, they were always successful in Cincinnati aforetime, and this fact being echoed back to the barren plains and hills and valleys and rocks, 'Plymouth rocks,' and stones and sands and shells of New England, made fledglings of the law, duly hatched there, wing it at once to the great, growing city—the then "Queen of the West." Why, our city in early days, out west as she was, almost became a *Yankee* city, and our bar almost a Yankee corporation of lawyers. But there were deserving men and deserving lawyers among these same Yankee importations, and as wise men coming from the East, once settled here, they did not want to go back, and did not go back. Of such are some whom we have mentioned—Storer, Chase, the Wrights, Walker, Eels, Starr, Brush, Greene, and others.

Of these, the one perhaps who made the most distinguished name for himself throughout the country was Salmon P. Chase—Lawyer, Senator, Secretary Chase. I knew him well in all three capacities; saw him in all, heard him in all, knew him in all. I knew him as an early lawyer at our bar. He came here, had the *passport of New England*, commenced the practice of the law, went into polite society, and got married to a lady of family and position in society. As a lawyer, Mr Chase was a hard student and a hard worker. He had talents, but little or no genius. He never was an orator, at the bar or elsewhere. He was never brilliant at anything. His chief merit, if merit it can be called, after all, was *ambition*, and he was forever seeking a position of place and power. I remember when he donned politics, and was a candidate on the *whig* ticket of this county for State senator, and defeated. Then he became a free-

soiler, and helped create the liberty party; and then he was elected by the democratic party, with the help of two free-soilers, to the United States Senate, and then he got the spider of the Presidency in his brain, and moved in that direction himself, but was only helped so far as being made Secretary of the Treasury, and then Chief Justice of the Supreme Court of the United States, and then, not satisfied, he was still a candidate for the Presidency. Apropos! Being in the law office of Mr. Chase, on Third street, one day, he got talking to me, a youngster lawyer as I was, about business, future prospects, etc. In the course of our conversation he referred to the proper ambition of lawyers in reference to becoming judges upon the bench, and he remarked, in regard to himself, that "his highest ambition was to become the Chief Justice of the Supreme Court of the United States, and if he ever reached that, he would be satisfied with his life." He did reach *that*, but he was not satisfied.

Timothy Walker, my old preceptor in the law, was a New Englander. He came here early—about 1831—had the New England passport, married one of our rich girls, and was a success, in law as well as matter-o'-money, as Judge Wright had it. He was a most worthy man, and a most worthy lawyer. He had not genius, however; he had abundance of talent, and chiefly of acquirement. He was *learned* in the law and out of the law. He could deliver a good lecture and a good speech anywhere, and almost on any topic, if you would give him time for his own preparation. He was one of the founders of the Cincinnati Law School, and for a long time its sole professor and lecturer, and all by himself he carried on that important school successfully. I was in his office as student and attorney clerk for three years, and

graduated as an "L.B." in his Law School; and in the one session at his Law School, under the instruction of his lectures and his *moot* courts, I learned more practical law than in all the time before.

He was the author of "Walker's Introduction to American Law," one of the best of law books for the legal studies of American law students. He served as presiding judge of our old Court of Common Pleas for a time, by appointment of the Governor; and in every relation of life, public or private, he was a gentleman and a scholar. He was full of good points intellectually, and good parts generally. He never reached political distinction—he never sought it. He was not ambitious; he was, perhaps, aspiring. He will always be well remembered by those who knew him.

LAWYER WALKER AND LAWYER ANDERSON.

My allusion to the good parts and points of Timothy Walker reminds me of a beautiful incident. At one of the annual festivals of the Cincinnati bar, occurring years ago, at which I was present, it came the turn of Timothy Walker, so distinguished for good points as he was, to deliver an after-dinner speech. Our friend, Charles Anderson, had just come to this city to practice law, from the town of Dayton, Ohio, where he had been married, and lived, and practiced law for some time, although he was a native Kentuckian. Judge Walker desired to compliment his friend, Anderson, and, at the conclusion of his speech, after paying some handsome compliments, he said: "And now, gentlemen of the Cincinnati Bar, I toast our new-made friend, and will give you, '*Dayton and'cr son!*'" Of course, the table groaned with thumps of applause, and Anderson was called out, and made, as he always could, a most felicitous after-dinner speech, also.

Soon after I came to the bar of the old court house, which was in the month of April, 1841, Timothy Walker was appointed by the governor of Ohio, presiding judge of the old Court of Common Pleas. He accepted the appointment, and, being now upon the bench, assigned me to defend two of the greatest rascals then in Cincinnati, whose names were Shields and Robinson. They had been indicted for burglary in a drug store on the north-east corner of Western Row and Sixth Street, and for stabbing Theodore Marsh, who is yet living, with intent to kill. This was a famous case in criminal annals in Cincinnati, and was my first one as a young lawyer, in the criminal department of the Court of Common Pleas. I did all I could for my clients, and I was highly complimented from the bench for my efforts, but I did not get my first criminal clients off. They were convicted and Judge Walker sent them to the penitentiary for twenty years each. I had occasion, some time after, to return this favor of the judge, and in the famous Summons poisoning case, in 1849, when I was prosecuting attorney, I had the court to appoint my old teacher in the law to assist me in the case, and he made a great effort in that remarkable trial. One good turn deserves another, and I acquitted myself, and Judge Walker was satisfied and gratified. In that celebrated trial, my old preceptor, in his speech to the court and jury, paid me one of the greatest compliments I ever received in my life, and this I shall always keep locked in my memory of him.

LAWYER ROBERT T. LYTLE AND HIS POLITICAL OPPONENT.

Robert T. Lytle, the lawyer, major-general, and polished gentleman, is one of my most pleasant memories.

He was the son of General William Lytle, and was born and reared in this city. He studied the law and was early admitted to the bar of the old court house, and soon distinguished himself as an eloquent advocate, and, if he had *stuck* to the bar, would have become a great lawyer. But his brilliant and extraordinary powers of oratory brought him much before the people, and, at a very young age, he became a famous politician. He was sent to the Legislature several times, and twice to Congress, by the democracy of Hamilton county, and achieved much distinction in the National House of Representatives as the particular friend of President Jackson, and as a democrat of the very first water. His brilliant and showy eloquence made him quite a national reputation, and the name of the young, gifted orator and talented statesman, General Robert T. Lytle, was known all over the country. At home he was familiarly known as "Bob Lytle" among his constituency, and for eloquence and brilliant oratory upon the stump, they would have put him against the world.

In the year 1832, on one occasion, Orator Bob was pitted against a certain Kentucky orator from Bourbon county, a strong Henry Clay man, and the two orators had it long and well in their extended political discussion. At last they grew personal towards each other, and the Kentuckian, who had achieved the unenviable distinction of *not being sober* all the time, and was evidently somewhat under the influence of "Kentucky Bourbon" at the time, loudly lifted up his sonorous voice, and pronounced clever Bob nothing but a *demagogue*. But Bob did not get mad under the denunciatory infliction and affliction, but he arose on the stump and said in his blandest oratorical style, "Fellow-citizens, my Kentucky friend, in

his spirit of annihilating denunciation, calls me a *demagogue*. All I have to say in reply to this is," at the same time pointing his long index finger at him, "if I am a doubtful demagogue, he certainly is—a Bourbon *demijohn*."

LAWYER LYTLE AND ANOTHER POLITICAL OPPONENT.

On another occasion, somewhere in the thirties, statesman and stump-speaker Bob was in a political discussion with a rival party candidate for the same office, who did not at all deal in denunciation, but was trying to persuade his hearers to vote for him against Bob, in the politest and most agreeable ways. He finally made this strong appeal to his numerous audience: "Fellow-citizens,—unlike my high-born competitor, I am the son of a mechanic, a maker of barrels and hogsheads, an unmistakable cooper, one whom many of you before me well knew; and I have no hesitation in saying that there are some fellow-citizens among you for whom my mechanic sire has made many and many a tight and stout barrel or hogshead. So vote for the son of a mechanic, an honest cooper, rather than for a high-born aristocrat, though he calls himself a democrat." This was enough to startle, and start Bob in the beginning of his speech in reply, and he began:

"Fellow-citizens,—I have not the least hesitation in the world, in according the fullest credence to what my opponent has so well said of himself. I have no doubt at all that his father was a cooper and made many a barrel or hogshead: but I must be permitted to doubt if he made them all well, for there is one he made, standing in my place here, just now, in whom and on whom he forgot to place any head, or rather, he did put on one, and *made him a hogshead!*"

The laugh was against the cooper's son that time, and the results of the election soon after showed that the votes were also against him. "Hurrah for Bob!" cried the dimycrat, Irish Jamey Crawford.

BOB LYTLE AND HIS BUCKEYE SPEECH.

I remember Bob well, having known him well. I once heard him make a Buckeye oration on the 7th of April, 1837. It was on the occasion of celebrating the anniversary of the settlement of Ohio. Being himself a native Buckeye, he glowingly warmed to his subject and was very eloquent. I will not forget one part of his speech. He was comparing present social customs with pioneer ones, and he said, among many eloquent things: "The women of the early days wore homespun gowns and frocks and skirts and their own *darned* stockings—and—and all that. They were not garnished and varnished as the ladies (God save the mark !) are now-a-days. They were homes-pun in their homes, and without a pun they were always home people, and always at home. They were not gadding insects—not gadflies,—but industrious bees of the hive—made honey at home, and were honey themselves. When they did visit with each other, it was none of your *pasteboard* visits, but they brought their knitting and stayed a week. Those were days of strong men and women in physique, and both in body and mind, the women vied with the men. They were strong and powerful as the bucks, and for strength of beauty and comeliness they were a standing attraction to all Buck-eyes!" Good for Bob! Hurray!

LAWYER FREDERICK WILLIAM THOMAS AND HIS FOURTH
OF JULY ORATION.

The Thomas family came to this city at an early day, about 1832 or 1833, from the city of Charleston, South Carolina, and soon were known and distinguished as a bright and talented family. Of them, Lawyer Fred. W., who belonged to the bar of the old court house obtained and maintained much distinction and reputation as an orator, lecturer, and novel writer, besides being a respectable and respected brother among the legal fraternity. He was frequently called upon to make Fourth of July orations, and one of them in a grand celebration by the citizens of Cincinnati, he delivered in the old Baptist, now Catholic church, on Sycamore Street, between Fifth and Sixth Streets, and I shall never forget the eloquence of that Fourth of July oration. One passage I chiefly remarked, and I well remember. He was speaking of the signers of the Declaration of Independence, and he said: "Of the fifty-four patriots whose hands placed their signatures to that immortal document, not a single one was there whose hand *trembled*!—I mistake, fellow-citizens—there was one steady and staunch patriot-father, whose hand, it seems from his signature, *did tremble*,—but, thank God, it was not from fear, but it was from extreme old age and paralyzed decrepitude; and the name of Stephen Hopkins, as tremulously written as it appears, will stand forever for its plainness and boldness and genuine patriotic strength!" Of course the house came down at this, and there was universal applause for the orator, and for old Stephen Hopkins. The roof and the welkin rang again, for them!

LAWYER VACHEL WORTHINGTON.

Lawyer Vachel Worthington was a practicing lawyer at our bar when I was a child. He was admitted to the bar, of the State of Kentucky in the year 1824, and soon after came to this city, where, opening an office, he was in a short time distinguished for superior legal ability and learning. He had a successful career, and was one of the lawyers of the old court house who made money by their practice. This was accounted for by the fact that he could not be persuaded to go out of his profession in any direction. He was a lawyer and only wanted to be a lawyer, and his office and the courts were his only places of business, and he was always to be found during the day at the one place or the other—at the one, preparing his cases, at the other, trying them. Though a thorough lawyer, he was eminently a *case* lawyer, and the judge who heard his cases before him, as I often did in after years, when he was old, and I was a young judge, was bound to have his attention loaded down with briefs and citations of authority. His appeals to the *books* often made one's head swim and ache, when listening to his arguments. He was married at an early day, in this city, to a daughter of the old lawyer, Jacob Burnet, and was prosperous in every way. In his old age, Mr. Worthington was over-persuaded to enter the field of politics, and after being of the opposite party almost all his life, he was nominated and elected to the Ohio Senate, by the democrats. I have many pleasant memories of this remarkable man and lawyer, and not among the least so, is the fact that in one of the most important cases I had before the District Court of Hamilton county, he was engaged as associate with me. He will

always have a place in my memory, as well as in that of all the older members of our bar.

LAWYERS HENRY STARR, WILLIAM R. MORRIS, JEPHTHA D. GARRARD, THOMAS LONGWORTH, THOMAS MOREHEAD, RUFUS HODGES, HARVEY HALL, TALBOT JONES, EDWARD WOODRUFF, HENRY E. SPENCER, AND JAMES F. CONOVER.

Lawyer Starr was in much age when I first knew him. He came from the East, and was therefore one of the Yankee lawyers, having Yankee learning, Yankee scholarship, and Yankee all that. He was a good, strong lawyer and a safe counselor, and maintained an excellent standing at the bar of the old court house. He was distinguished for a large, prominent, Roman-hooked nose on his otherwise pleasant face, and Ben Fessenden used to say of him, that he baited his nose and fished for his cases. Sometimes he was called the *noseist* if not the noblest Roman of them all, sometimes the "star" lawyer, and sometimes the star-nosed lawyer. A further joke by a facetious lawyer would be perpetrated: that Lawyer Starr, star lawyer that he is, *knows* more than all the rest of the nosey or noisy lawyers put together. But Henry Starr was a venerable and venerated lawyer and man, in the olden days.

LAWYER STARR IN THE GREAT WILL CASE.

I remember the trial before court and jury of a great will case in the old court room of the old court house. It was the case of the heirs of Elmore Williams, formerly one of the richest men in Cincinnati, against the legatees and executors of his last will and testament, to break the will, chiefly because the old man, by his will, had left

the bulk of his tremendous fortune to a young man, a favorite friend. The extraordinary case excited extraordinary interest, and the old court room was crowded with lawyers and spectators. Timothy Walker represented the contestants of the will, and had made a very long and effective speech to the jury to break the will and render it null and void, and his speech seemed like a triumph for him. Henry Starr was the lawyer to sustain the will. When Judge Walker got through his speech, it was approaching night, and the judges of the court determined to go on with the case into the night, ordered the janitor to light the candles, (for they had no gas-light or lamps in those times,) and directed Mr. Starr to proceed in his argument to the jury.

In the dull, glimmering light pervading the court room, making the lawyers and the crowded spectators to look like so many *spectres*, Lawyer Starr, with his commanding, though stooped, figure, grey locks combed behind his ears, and large, Roman, aquiline nose like the beak of an eagle, and his long, bony fingers, the long index one pointed directly to a certain spot before him—all being as still as death in the court room, arose, and declaimed in slow, measured, sombre tones:

“Hark from the tombs the doleful sounds. . .

“Methinks I see there, the ghost of Elmore Williams, risen from the grave, and like the ghost of Hamlet’s father, he exclaims to these unholy children, and heirs, who would break his will: ‘I am thy father’s spirit;’ and like the ghost of Samuel before king Saul, he more loudly exclaims, to my learned opposing counsel, ‘why hast thou disquieted me, to bring me up?’ and to these heirs again, he calls, in trumpet tones, ‘Honor *thy father* and thy mother, that thy days may be prolonged, and

that it may go well with thee, in the land which the Lord thy God giveth thee.' And now, may it please the court, and gentlemen of the jury, I turn from this father's spirit, to you."

And he did turn to the solemnly attracted and attentive jury, and made his speech, and sustained the will, and won his case. A lawyer friend of mine now living, who heard this remarkable exordium of lawyer Starr, in this will case, says at this day, that he remembers nothing like the effect of it, in the whole course of his legal experience. He says, he was sitting by, with his feelings, thoughts, and sentiments totally enlisted on Judge Walker's side, but when Starr arose, and delivered himself of this ghost experience, he knew the game was all up with his friend and law preceptor, Judge Walker, and so it proved to be. Henry Starr's ghostly eloquence triumphed, whether like Samuel with the woman of Endor, the ghost of the testator arose from the grave or not, though it is more than likely, that the twinkle of the *Star* shone upon the perturbed spirit, in the glimmer of that night in the old court house.

William R. Morris was a good, plodding lawyer, and a gentleman of the old school. He used to be distinguished for his blue coat and brass buttons and ruffled shirt and large, brilliant breast-pin. He was always a gentleman all over, and was a successful lawyer, and grew to be a rich man. In later days he had several partners in the law, among whom was a well-remembered man, Nelson B. Rariden, also an excellent lawyer. Sometimes it used to be said by some fond of a joke, that their office was a *rare den* of *lion* or lying lawyers. This was only a joke, however, though they were really like lions in their devouring practice, at and in the bar—not behind the *bars!* nor—*before* the *bars!*

Jeptha D. Garrard, or General Garrard, as he was known and called, was a respectable member of the old bar, but, engaged in money and property matters, he did not attend much to the courts. He was a high-toned and honorable Kentuckian, and marrying into the old Israel Ludlow family, himself and his own family, some of whom now survive, were held in much regard and esteem by the lawyers and the citizens generally.

Thomas Longworth was an early lawyer. He is living yet in venerable age. He was a cousin of Nicholas Longworth, and formerly was, and is now, much respected and esteemed. He long ago retired from practice.

Thomas Morehead was a brother of the two formerly celebrated physicians, Doctors John and Robert Morehead, of early days, and was a good lawyer. I remember him; he used to have his law office, at the corner of Main and Lower Market Streets, and had a good deal of business.

Rufus Hodges, or General Rufus Hodges as we used to call him, used to figure much at the bar, and in society, in early days. Why he was called General, or whether of the regular, or irregular army, I do not remember, but he was a good man, and a good lawyer.

Eccentric and peculiar old bachelor, Harvey Hall, came to the bar, about the year 1825. About that time, also he got up, with much labor, and many pains no doubt, a directory for the city of Cincinnati, and acquired much beginning distinction for that. It was the *second* directory of Cincinnati, ever published. Afterwards he gave his attention to the law, and in office business was a success, though he seldom made his appearance in court, except in the Probate department, for he was much

known and much regarded for taking care of the widows and orphans—or rather *their property*, and in this sort of business by his fees, feathered his own nest pretty well, in those early times. Bachelor, as he was, he built himself a very curious looking little, low, three-storied brick house, on Eighth street near Main, which is curiously standing yet. It was, and is distinguished for its small windows, and small panes of glass in them, just like Harvey Hall's little eyes. It will bear looking at, as a surviving curiosity of the eccentric old bachelor lawyer, and some say, looks just like him.

Talbot Jones, good old Talbot Jones, was also a bachelor, and fond of the law, and of the good things of this life. I knew him, oh, so well, for I lived with him in the same hotel, the Burnet House, for many years; and I had great respect and regard for him, good, clever soul that he was. He was much respected as a lawyer of intelligence and learning, and did well in the practice.

Edward Woodruff was a native of this city, and is now one of the very few survivors of the members of the bar of the old court house. He is one of the sons of one of our oldest settlers,—Archibald Woodruff. He, on account of his venerable age, is not now in the practice of the law. He was formerly a good lawyer, and plain and simple and unostentatious in his ways, he plodded his way along, and made a success as a lawyer of respectability. He was once a Judge of the Court of Common Pleas, and after that he was elected Judge of the Probate Court, and filled both positions with honor to himself and satisfaction to the people.

Henry E. Spencer was the oldest son of the very early and celebrated Spencer family of this city. His father, the Rev. Oliver M. Spencer, came to the State of

Ohio, in this locality, at its very first settlement, and grew up with this village, town, and city. Two of his sons, Henry E. and Oliver M., became lawyers, and were both distinguished members of the bar and holders of office. Henry was, for many years, mayor of this city, and gave great satisfaction as such to his fellow-citizens, and, after that, he became president of the Firemen's Insurance Company. There is no man, in his old age, who enjoys higher respect and esteem of his fellow-citizens than Henry E. Spencer.

James F. Conover, more and better known as a whig politician and whig editor of the daily newspaper called *The Whig*, was a lawyer of the old court house, and a scholarly gentleman of the first water in brilliancy and luminosity. He had his ups and downs and his highways and his by-ways, but he flourished very well in them all. He was an original Henry Clay whig, and spent the last days of his existence—nearly to his very last breath—in befriending and favoring and advocating him for the presidency of the United States. I remember Major Conover, as his friends would call him, and I remember this story about him :

MAJOR CONOVER'S CONTRETEMPS.

He was invited to a great party given by one of the *elite* families of the city, and to his total dismay and despair, he was treated by his host and hostess and all the guests, with extreme coldness, if not absolute disdain. He did not know the meaning of all this until late in the evening, a pert young lady said, to him banteringly, "How dare you, Major Conover, show yourself among us people of society, after that noxious and obnoxious

article of yours in your paper of to-day?" "What—madam—what do you mean?" "Why, that gross and scandalous article of *us* in your paper to-day!" Major Conover suddenly bethought him of a copy of his paper in his overcoat pocket, and suddenly left the lady, and getting his overcoat and ramming his hand into a side-pocket, he pulled forth the *True Whig*, and—lo and behold! sure enough—there was a long column article printed in black and white, severely lampooning the *elite* of the city for indulging so much in balls and parties in the cold winter times at the expense of economy and the poor of the city. More than that, it was an article which he had seen and had consigned to the waste-basket, as he firmly thought and believed. It had been sent to his paper by some malicious correspondent and it was full of names of ladies and gentlemen of fashionable society who were present at the party. How did it get into the paper?—that was the question. The major suddenly left the party and, as late as it was, suddenly made his personal appearance in his sanctum and, on particularly examining his waste-basket, found there an article of his own, which he had thrown into his waste-basket by sudden mistake, instead of the lampooning article. He at once reflected on the instability of sublunary affairs, and, stopping the press of his morning's paper, sat down and went to work and wrote a full article of explanation, which duly appeared in the paper, and all was right with the major again, and the major was restored to the favor of the *elite* by a large *majority*.

LAWYERS FROM 1831 ONWARD TO 1849.

We now take leave of the earliest lawyers of the old court house, and proceed with later lawyers and later

times — of the same old court house, however — and as to them, we may as well re-cite the poetic lines —

“ We will revive those times,
And in our memory keep fresh, like flowers in water,
Those happier days.”

We have yet some things in the way of reminiscences and anecdotes pertaining to the old court house. We have found that old court house quite a prolific field for fun and jokes, and it rests in the memories of those living now, who once knew it and of it, as a funny dream of the long past, full of incidents and scenes, much like those of a funny drama, or comedy, or farce. But we also reverence that old court house for its great and serious records and memories of the past, and were it in our line in these reminiscences and anecdotes, we could give many of these, which would elicit admiration and awe, and sometimes sorrow and sadness. The days of the old court house, and of most of those who figured in it, have gone, and we can not recall them into existence, save in our memories; there, thank heaven, they do exist while the lamp of life holds out to burn. But to some more recollections.

LAWYER NAT READ, AND HIS FUNNY DEFEAT.

In course, I now come to speak of a bright and particular star, a genius in the law, whom I well knew, in my young days, and who was well known to every citizen of this city, and of this State, and of the West. This was Nathaniel C. Read, a lawyer, prosecuting attorney, presiding judge of the Court of Common Pleas of this county, and then judge of the Supreme Court of Ohio, in all which capacities he was, perhaps, in his day and generation, unsurpassed. His living reputation is continued by his luminous legal decisions reported in the

comparatively early volumes of the reports of our Supreme Court; and lawyers, and judges at this day read, ponder, and admire, and point to them for their legal intelligence, their terse and wholesome expression, and their discreet and wise thought, and judgment. It will be found by reference, that he was frequently a dissenting judge to the opinion of the majority on the Supreme bench, and it is now the frequent remark of lawyers and judges, learned in the law, that there is more law, a great deal more, in his dissenting opinions, than there is in the majority judgments of the Supreme Court. As to this, I could point to remarkable instances, particularly to his dissenting opinions in the celebrated *dower* cases, in which the majority of old foggy judges undertook to, and did stamp out the rights of married women; and in which Judge Read (bless his judgment!) undertook to, and did uphold, as far as one judge could do it, the legal rights of married women, against the encroachments and stifling oppressions of men. The majority opinion prevailed as the law, and does now prevail as being the judgment of the highest court, but, thank our stars, it was not the judgment of the highest judge in that court, by any manner of means.

Judge Read resigned his position as judge of the Supreme Court, and came back to our bar, to practice law, and it was at this time, that the following incidents, events, and defeats for him, renewing his practice, occurred. I shall be particular in narration, because I state whereof I know:

An astounding day-light burglary had been committed in the mansion of Dr. Henry Wood, on Third street, beyond Broadway. A bold, daring and most venturous robber, at noon-day, knocked at the front door

of Dr. Wood's house, and, the door opening, the servant girl appeared. Wholly careless of her presence, the thief pushed by her, now completely astounded, and penetrated the hall to the dining-room, and into that, and on, and into the sideboard, from which he took about two hundred and fifty dollars worth of solid silverware, and carrying it in his arms, marched back through the hall, again by the dumbfounded and paralyzed girl at the door, out of the door into the street, and thence to his secret haunts. This robber's name was Joseph Andrews, a name afterward infamous in bold crime. Whether he was a lineal descendant of the literary "Joe" of England's memory, has not transpired, but he certainly was of the same name—plain Joseph Andrews—though not so plain or simple a character as his illustrious prototype namesake. Dr. Wood soon after returning home from a visit to a patient, the yet frightened housemaid told him of the bold robbery and escapade, and the loss of the silver. She also described particularly the person of the robber: his good and stylish looks, his comely face, and his neat and clean attire. With this description for a clue, detectives were employed, and by hook and crook, Andrews was arrested, and the grand jury being in session, he was, on the evidence of the girl and the stolen silver found in his quarters, duly indicted for the crime of grand larceny, and day-light burglary. He was arraigned before the court, by the prosecuting attorney, and was asked if he had an attorney. Judge Read stood up in court, and said that "he would appear as counsel for the unfortunate good-looking youth, and would, for him, enter a plea of 'not guilty.'" The day was set for trial, and the trial came on, and the prisoner was there, and a bedizzened and blazoned beautiful-look-

ing woman was sitting beside him, and beside her, sat satisfied and composed, as a lawyer always can be in an emergency, Judge Nat Read, to defend the prisoner with all his great ability—guilty or not guilty. The jury was sworn and the evidence for the State was taken, plainly and simply convicting the prisoner as charged in the indictment. There was no evidence offered for the defense, because none could be produced. The prosecuting attorney proposed to submit the case to the jury without argument. “No,” said Judge Read, with much assumed dignity and sense of wrong, “we will *argue* this cause, Mr. Prosecutor, this man is innocent, as I shall show this intelligent jury, beyond any reasonable doubt.”

The prosecuting attorney, aware of the reputation and signal ability of the judge, was somewhat taken aback, and a little alarmed, that perhaps there might somewhere be a cat in the meal. He considered, and said, however: “I shall not argue this case, but will await the argument of Judge Read, and then if reply is needed, I will say something.”

Judge Read—“That’s not fair, it is not treating me fair, it is not treating this fair lady, so devoted to my client, fair; it is not treating the prisoner fair, not allowing him, even prisoner’s *fare*.”

Prosecutor—“Well, it is all fair, and I have nothing to say in the affair, except, farewell.”

Judge Read—“Well, I have.” And beginning in his most earnest and winning way with his “Gentlemen of the jury,” and complimenting them again and again, he made an almost overwhelming onslaught on their sympathies for the poor unfortunate youth before them. He took him on his looks, for he was so good-looking,

and eloquently demanded, how such a man with such God-given lineaments of face and feature could commit crime—crime such as this? He descanted eloquently and persuasively about youth and innocence, and traps and toils by which they may be, and were ensnared. He contended for mistaken—altogether mistaken *identity*—that the housemaid witness, though true in her evidence as to the facts, was mistaken—entirely mistaken in the *identity* of the young man; and it was not the first case of mistaken identity. And then he read from the books—law books, and story books, and all sorts of books—to show how easily witnesses could be mistaken in their remembrances of the *person* of an individual. And he referred to the housemaid witness again. “How, gentlemen of the jury, can this witness identify this man? Why, she was paralyzed with fright; she was frightened to death, during the bold and daring perpetration of this robbery. She was struck aghast, and stood aghast, and all her five senses had left her. She could not hear or see; she knew not, and she knows nothing of this young man. She can know nothing of him. He is pure and innocent—innocent as the child unborn.” But all this eloquence expended, was by no means the climax. *It* was coming! The orator now invited the attention of the jury and the court, to the fair, pure, clear, *devoted* woman beside the prisoner, and called her the “unfortunate young man’s wife—a most sacred name, hallowed, all hallowed in every heart.” He told the jury, that, like the dispensing of the Gospel by the Apostles, he was there to defend this young man, “without money and without price.” “He was not there as a hired attorney. But, one day while sitting in his office on Third street, he heard a gentle knock at his door, he opened it, and this

devoted wife of the prisoner appeared and entered his office, and with tears, and sad and mournful entreaty, implored him to help her in her misfortune, and defend her husband. He could not resist the appeal—he *never* could resist the appeal of devoted woman. He consented to do what he could for *her*, and he now stood before them on behalf of this young man and this young woman. He went on in lengthened rhapsody about the virtue and devotion of woman to man generally, and finally turned again to the woman present, and pronounced her “*an angel—a divinity*,” and sat down in triumph, *in fact*, if nothing more had been said. But the prosecuting attorney was wide awake; *he knew what he knew*. He arose in his place, and said:

“May it please the court and gentlemen of the jury—if you have recovered sufficiently from the ensnaring toils of my friend, the judge’s eloquence, I wish to signify to you for a truth and for a fact, in plain answer to all the gentleman’s wonderful rhapsody over this woman, that in the confidence of this young, guilty man, she ‘could a tale unfold that would harrow up your soul,’ if she were allowed so to do. My eloquent friend calls her, with great emphasis, ‘an angel, a divinity!’ Yes, gentlemen of the jury—

“‘A divinity that shapes our ends.’

For this woman, this ‘angel,’ this ‘divinity,’ now stands indicted by the present grand jury, upon the records of this court, for keeping a brothel—a bawdy house!’”

Judge Read (furiously)—“‘Tis not so! ‘Tis not so!’”

Prosecuting Attorney—“Mr. Clerk, will you please read the indorsement on the indictment against this woman?”

The clerk, who had been posted by the prosecuting

attorney, and had the indictment all ready in his hand, now read aloud: "*Hamilton Common Pleas. November Term, A. D. 1849. State of Ohio vs. Harriet Minckler, alias Harriet Blodgett. Indictment for keeping a house of ill-fame. A true bill. J. Cilley, foreman of the grand jury.*"

Prosecuting Attorney—"What is her plea? read further."

Clerk (reads)—"Harriet Minckler, *alias* Harriet Blodgett, being duly arraigned, pleads 'not guilty,' and is admitted to bail in the sum of \$500. John Schneider, security."

Prosecuting Attorney—"Mr. Sheriff, is *this* the woman sitting here?"

Sheriff—"That is the woman sure!"

Prosecuting Attorney—"SUCH IS LIFE!"

Judge Read—"I call for the protection of the court for my client. The court shall not allow the prosecutor to go out of the evidence and testimony in this case, in this *unprecedented* way, to convict my client for the penitentiary."

Judge Brough (who spoke through his nose, naturally, and this time *emphatically*)—"Well, Judge Read, the court thinks that the whole of *your* speech was *outside* of the case, and it is no more than right that the prosecuting attorney should be permitted to travel a little outside to get up with you."

Could anything be more damaging? The clerk, the sheriff, and *now* the court! Alas. poor Andrews. It was all up, or down, with him. It was all up or down with the devoted angel, divine Harriet Minckler, *alias* Harriet Blodgett. And how was it with the eloquence of our friend, formerly of the supreme court? Alas! alas! the prisoner "guilty" was the verdict!

STORY OF JOSEPH ANDREWS.—QUESTION
OF IDENTITY—DIFFICULTY.

But about this business of *identity*, notwithstanding all the aforesaid, Judge Read was more than two-thirds right in what he said ; for it is a fact that I, as prosecuting attorney of this county, had a man sent to the penitentiary a few months before this, for a crime of which not the convicted was guilty, but this very veritable aforesaid Joseph Andrews himself. The way of it was thus : A midnight burglary and larceny had been committed on a certain night, a long time ago, in one of the rooms of the Dennison House, then on Fifth street, near Main. One Green McDonald, notorious among the police, and men, women and children of this city, was arrested as the burglar and thief, and *was completely identified* as the very thief by the lady in whose room the burglary and theft were committed, and with whom the robber had quite a tussle in the commission of the crime. Green McDonald was convicted on her evidence, as the robber, and, as his character was already infamous, sent to the penitentiary for a long term of years. After Joseph Andrews was convicted for the daylight burglarly, and theft of silver in Dr. Wood's mansion, he one day sent for me as prosecuting attorney to come and see him at the jail. I went over and found him, deliberate and composed, and he said to me : "Look at me ; view me well. Don't I look like some one in this city." I surveyed him, closely inspected his form and features, and in surprise I answered : "Yes ; *you look like Green McDonald.*" "That's it," said he ; "that's it. You sent that poor fellow, Green McDonald to the penitentiary for what I myself did at the Dennison house." "Can it be possible?"

said I. "Yes," said he, "it is more than possible; it is a fact." And to show me that he was the man, that he alone was guilty of the Dennison house affair, and not Green McDonald, he told me all about it, told and described all the particulars of the room, and the lady, and all about the tussle, and his own escape with the booty, etc. I was thoroughly astounded, but as thoroughly convinced, that a great wrong had been officially and judicially done; and I immediately wrote an official letter to the Governor of the State, and had Green McDonald *pardoned* out of the penitentiary as the only remedy of the wrong left, alas! McDonald came immediately to see me at my office, on his arrival in this city from the penitentiary, and thoroughly convinced me, too, from his own standpoint, of his entire innocence. He had been in the penitentiary only a month or two, and this was the best I could do for him. He could claim nothing from the State in the way of damages, or anything else. In this regard, and shame to Government for it, he was *wholly remediless*, and nobody, official or otherwise, was to blame; even the witness as to identity swore to the truth, the whole truth, and nothing but the truth, as she in her very soul thought. I went to see her afterwards, and after a long time of explicit narration, she reluctantly concluded that she had been mistaken. Ever after this, I was exceedingly careful about this most important question of *identity* of prisoners, and more than one I let go, when there was a particle of doubt about his or her identity. What lessons we get about humanity in the administration of so-called justice. From my experience as a man, a lawyer, a prosecuting attorney, and a judge, and a long and observing experience it has been, too, I am compelled to say, that the *most uncertain thing I know*

of, is human testimony. And yet we, poor mortals as we are, can not make a move in life without reliance upon it—in courts, or out of courts, inside of the bar, and outside of the bar, among judges, lawyers and other officials, and among the people. All that is left for us all, is under the circumstances, *to do the best we can.*

ANOTHER SINGULAR STORY ABOUT ANDREWS.

Bnt again to this singular and quite semi-historical fellow, Joseph Andrews. In my conversation, before alluded to, he told me that, although convicted of the Dr. Wood robbery, he was not going to the penitentiary for *it*, for they could not take him there. I paid little heed to these menacing words, for I had confidence in the jail, the jailer and the sheriff, and didn't even keep the words long in mind. When, however, I sent over to the jail for Joseph Andrews on sentence day, for him to be sentenced, he was positively *non inventus*. The bird had flown—he had escaped most thoroughly from the jail and its precincts, by some means or other, and was nowhere to be found. He had made good his words to me, in some unaccountable way—never explained, until some eight or ten years afterwards, he told me about it himself—and this was, singularly enough, how *that* was: One day, eight or ten years after the last event described, a man was taken up by a policeman, as a suspicious character—a vagrant—and was lodged in jail by the then Mayor of the city, sitting as a judge, while the vagrant was in jail. Judge Tom Key, of our bar, happened to be in the jail attending to something for a prisoner client, and he saw this vagrant by merest accident, and recognized him, and knew him to be “Joseph Andrews,” the burglar of the house of his (Key's) friend, Dr. Wood, and remembering

that Andrews had been convicted and not sentenced, because of his own escape, he thought it his duty to communicate the facts to the judges of the Court of Common Pleas. He accordingly did so to me, as judge. I immediately advised my brethren upon the bench, that I could not act in the matter, because I had been prosecuting attorney when Andrews was convicted. Judge Parker accordingly took cognizance of this important affair, and duly sent for the court records and the prisoner Andrews, after proper inquiry into all the facts, to pronounce sentence upon him for the burglary and crime committed long years ago, as in duty bound, the court was, according to law and justice. When the sheriff went for Andrews to his cell, he found him a *raving maniac* (?) to his utter surprise and amazement! But the sheriff thought it would not do to give it up so. Andrews must be taken to court before the judge, and let him, (the judge), whose duty it was, determine what was to be done in the premises. It took the sheriff and *three* deputies to bring crazy Andrews, bound hand and foot, from the old jail to the court house, but they brought him into court, and before the judge, with court open, and presiding upon the bench. Here the scene became terrible. Andrews was more crazy than ever. He cried, screamed, yelled, shrieked, bellowed and cursed and swore, and made such a hullabaloo generally, in his bound and fettered condition, that the court could do just nothing at all. There was too much *noise*, and there was no way to silence it, except by gagging the poor maniac, and this would not do at all in a court of justice "wherein-justice was done," as aforesaid by Gaines. The judge, however, thought he knew his duty, and he immediately ordered that a jury, '*de lunatico inquirendo*,'"

be summoned before the Probate Judge, and try according to law, whether the prisoner Andrews was a lunatic or not, and in the meantime the prisoner was ordered and carried back to jail by the sheriff and the aforesaid deputies. The lunatic inquiry was just what Andrews, of all things, desired, for in that, his hopes of ultimate escape and safety lay. He felt sure that a jury would return a verdict that he was mad, and he could much more easily find an opportunity to escape from a lunatic asylum than the now close and carefully-watched jail. But the difficulty with Andrews was, he had to keep up his ferocious insanity during all the time the sheriff was procuring a jury from among the citizens, and the due preparation for the trial, which was to have a long period of three days. But he played the part of the "raving maniac" for three days and nights in his cell, disturbing the jail, the jailer, and all the inmates so much that order and sleep were entirely out of the question. But the three days and nights passed, the jury for inquiry as to the lunacy of Andrews were in their places in the Probate Court, before Judge Warren, I believe, and crazy Andrews was brought again over from the jail by the sheriff and the aforesaid three deputies, and now he behaved, of course, worse, much worse, than ever. It took all the sheriff's office to hold him and procure *intervals* of silence. Many physicians were examined as to the insanity, and, *as is always the case* with these learned M. D.'s, there were a half-score who testified that Andrews was *insane*, and a half-score testified that he was *sane*, before the court and jury. And now, in this profound disagreement of doctors, what was to be done? The confounded judge didn't know, so he left it to the common-sense jury to determine, without much of a

charge to them. The jury retired, and Andrews waited for the verdict, continuing his "Lear-ish" ravings, as he had done in the presence of the jury; and, as will be seen, it was here he made his mistake, in his too much *leering* and blinking of his eyes. The jury, after being out some while, brought in their verdict to the total defeat and discomfiture of Andrews, that he was *sane*, and immediately he was taken back to jail as before. The jury, it seems, during the progress of the trial—every one of them—closely watched Andrews and his singular behavior. They particularly observed his *too much leering* and *blinking of eyes*, and properly concluded from this that his insanity was put on, assumed for a purpose, and therefore pronounced him "sane," unanimously. Andrews was certainly out of his element in his undertaking the difficult part of King *Lear* in his otherwise tolerably good performance. Well, Andrews got back to jail, and as the sheriff put him in the corridor and turned the key of the great iron door upon him, he wisely concluded to give up the game of insanity, particularly as he was so exhausted by the length of the performance, and after washing and dressing himself, he sent over to the court house that he wanted to see Judge Carter. After the adjournment of court, I went over. I saw him, and the first thing he said to me was, "Well, Judge, I have made a d—d fool of myself in coming back to Cincinnati. I didn't think anybody would know me, but they've got me now. I just escaped from the penitentiary at Auburn, New York, where I was in for seven years, and they nabbed me here; and when I saw how things were against me, I just concluded that the best and only thing that was left me was to play mad, and I am not sorry for that, though I didn't succeed. I startled some of those

fellows, I know, and did the best with the raving maniac's part I could. Didn't I play the part pretty well?'

"Yes," I answered, "but your leering and your blinking of your eyes did the business for you; you did that too much, so the jury said."

"Well, I admire the jury, but d—n my eyes. I never did know what to do with them."

So I left Andrews and the jail, and he was sentenced by Judge Parker for four years.

STILL SOMETHING MORE ABOUT JOSEPH ANDREWS, &C.

I didn't say all about that Joseph Andrews in my last; there is a little more yet to say. The way of the transgressor is hard, very hard; that of a criminal, a *professional*, is the very hardest of all lives, and it has often been a subject of extreme wonderment to me that a criminal does not stop his career and go to something that is honest, even from motives of selfishness, which seem to be the spring of all his criminal conduct and action. A great and experienced forger and counterfeiter once told me that, educated to be a lawyer as he was, (and an able one at that), he daily regretted, and more and more regretted as he became more deeply involved in his career of crime, that he had not pursued some honest and honorable vocation of life; that any vocation having honesty and honor in it, even as a matter of selfishness and self-interest, was to be preferred by any man, to that of dishonesty and dishonor; that a professional criminal always had more hard work of head and hands in every regard, and that was one of the reasons that a criminal life never lasted long. The mental and physical energies of a man in a career of crime were soon exhausted or paralyzed by overwork and exposure,

and such a man could not live long. Joseph Andrews, the adroit thief and bold robber, had both genius and talent, and if he had employed them in some honest calling, he would have made his mark. He was most attractive in personal appearance, and had the ways of a gentleman about him, so that very few, except the police, the detectives and prosecuting attorney, would take him for what he really was. He, too, was an example of the philosophy that continued reason and guilt cannot flourish or even abide together. Reason by guilt will invariably become lax and deficient, and folly and foolishness will take its place. Thus with Andrews. By his own wonderful shrewdness and cunning, and that of the "divine" Harriet Minckler, after he was convicted for the robbery of Dr. Woods's silverware, and before his sentence, he made his escape from the old jail of this county. He went immediately to his mistress, the aforesaid "divinity" of Judge Read, and they both together left for the North. At Cleveland they took one of the large passenger boats across the lake for Buffalo. On the pleasant voyage over, Andrews was big enough fool to pick the pocket of a fellow-passenger, in the cabin, of a pocket-book containing several hundred dollars. Of course within the close precincts and limitations of a steamboat, he was detected, and at once arrested, and confined, and when the boat reached Buffalo, he was handed over to justice, convicted of the larceny, and sent for seven years to the New York penitentiary at Auburn. He served his time, or escaped from there, and then like a fool, again—his reason in his guilt deserting him—he came back to Cincinnati, right in the very jaws of the lion of the law, where a sentence was prepared and awaiting him, and where he was soon "nabbed" and consigned to a term of four years in the

Columbus penitentiary, by the sentence of Judge Parker. After his comedy of insanity, I asked him what made him such a fool as to come back here. "Oh," he said, "I thought my conviction and my person had long since been forgotten here, and that there was no danger of my being grabbed up on an old charge and conviction of so long standing. But," said he to me, "I'm after all not *smart*; somehow or other, however acute and sharp I may be in my tricks, I am always sure to make some d—d mistake or other, which gets me into a devilish scrape;" and, poorly concluded he, "such is life." I didn't, of course, philosophize much with him under the circumstances, reflecting, as I did, that there were "more things in heaven and earth, etc.," and Andrews's ways were some of those things past finding out, perhaps. After he had served his four years in our State penitentiary, I was one night very much surprised by his personal presence. I was sitting with my friend, Judge Coffin, conversing about matters and things generally, on the portico of the Burnet House, where we then lived, when all of a sudden a man came up to me and said; "Is not this Judge Carter?" I answered in the affirmative. "Well," said he, "I thought it was, by the voice. Don't you know me?" I looked, but did not recognize him in the moonlight, and answered, "I do not, by this dim light." "I am Joseph Andrews," said he, "I just came down from Columbus, from the penitentiary. My sentence is out, and I am now resolved to turn from this hard way of getting a living in this world. I want to go to my uncle, living in Indianapolis, and go to work as a carpenter, and if you will assist me I will go to-night, and you shall never see me again." I did assist him, and I have never seen or heard of him since. I hope and trust that he is, somewhere in

the wide world, a reformed man, and making an honest and honorable living, for he knew, and if alive he knows too well, that the way of the transgressor is not only hard, but it is not politic in any sense, view or way at all. I have thus dwelt upon Judge Read's distinguished and extinguished client, whom he tried to save, by the help of "divinity," from the penitentiary, because of the peculiar interest, and the lessons afforded by his career.

LAWYER TOM HENDERSON AND THE SLEIGH,
AND WHAT CAME OF IT ALL!

In the days of the old court house we had some singular characters at the bar, some of whom were full of wit and humor in themselves, while some were only the cause of wit and humor in others. One of these latter was Tom Henderson, who lived up to comparatively recent times, and who will not easily be forgotten for his good points and otherwise, by those who were ever acquainted with him. He was peculiar, singular, and eccentric, but we know he lived at peace with all mankind, and died, we trust, in hopes of bliss beyond the grave. He was an old bachelor—a young one at first, and became an old one—and this fact accounts for many of his singularities and eccentricities. He kept an office—a law office—on Third street as long ago as I can remember, and it was one of the dingiest among the most dingy. Of his office he also made his dwelling place, and certainly slept there, if he didn't eat there. He had strong friendships, and worthily numbered among his friends some of the most worthy members of the bar, for he was a clever fellow and a clever lawyer, and deserved the friendship of his brethren.

One drawback to him was his continued and contin-

uous inattention to the proper care of his person in cleanliness. If cleanliness is next to godliness, Tom Henderson kept himself far away from that; he was certainly at the foot of his class in that; and he used to be sometimes called "the real estate lawyer," because he had so much real estate about his person always. He was a worthy compeer, I should think, of *Clay* Dean in this respect. One of the eccentric facts occurring in Tom's life, which was a frequent cause of humor and wit in others, was, as I remember, about this:

In the days long ago, when Tom was quite a young man and flourished then as best he could with the girls—for perhaps he then had thoughts and hopes of matrimony—he resolved upon one occasion to have a good time with them. Tom's father's family, including himself, lived upon Sixth street, in this city, opposite the mansion house of the Spencers, and two of the Spencers—Oliver and Henry—were boon companions of Tom, and entered with him into all his projects for fun and frolic. It was winter time and the snow was on the ground, and the merry sleighs were jingling through the streets, making the "beautiful snow" still more beautiful; and Thomas, seeing the joyous girls and their beaux in the jingling sleighs, bethought himself of his girls, and what a good time he and his companions, the Spencer boys, might have with the girls, if they *could only get a sleigh*. To buy a sleigh was entirely out of the question; to hire one, at the exceedingly high prices prevailing, was more than the pockets of the young men could stand in those days; and at last Tom bethought himself, that he and the Spencers could build a sleigh for themselves, and own it, and do what they pleased with it. Getting the tools, lumber, and material as best they could, at work

the young sprigs of the law went, and labored and labored from day to day, for weeks and more, turning themselves into carpenters instead of law students, and at last the great big sleigh, sufficient to accommodate at least six inmates, the three young men and a girl apiece for each of them, was finally finished and ready for the snow. It was in good and graceful form and shape, and the sprigs getting red, white and green paint, and turning themselves from carpenters into painters, made it as pretty as a pink in color and adornment of filigree and stripes and things. All this work was done, all this carpentering, and all this painting was executed, and the big sleigh was regularly built in the capacious CELLAR under the whole large and commodious house of Judge Henderson, on Sixth street, opposite the Spencer mansion. And now the great love's labor job completely finished, there was more delightful fall of snow on the streets, and the boys properly and gladsomely bethought themselves of the girls, and each one of them went to each girl—his own girl—and invited them to a splendid sleigh-ride through the streets of the city, and over the hills and far away. The day and time of sleigh ride duly arrived, and, the father of the Spencer boys owing good ones, the horses were procured, and made ready with harness and belts of great large brass sleigh bells around their bellies, and brought to the house of Tom's father, that is, in the street, just before the front door of the house. But where was the magnificent sleigh? Time was flying, and the girls were waiting at their domiciles for the boys and the horses and the sleigh. The sprigs of the law went into the cellar and looked at, and again admired their handiwork, the capacious, and magnificent, and beautifully painted and filigreed sleigh; and now to get

it out of its place, where it was built, into the open air ; now to get it out of the cellar into the street, and the great question necessarily obtruded itself—How? There was but one exit from the cellar to the street, that was through the narrow outer cellar door, a world too narrow for the extended and expanded sleigh, and all the lifting and carrying of the splendid sleigh the boys could accomplish, would not get this great big sleigh through that limited cellar-way and door. The youngsters were surprised, astounded! they were confounded, they were bedizzened, bewildered, and their horses and their girls were waiting, waiting, waiting. They took hold, all of them took hold, and lifted and carried the sleigh to the narrow exit of the cellar-way and door; they then surveyed both the big sleigh and the little cellar-door; then they tried to put the tongue of the sleigh into and through the narrow way, and this they could accomplish, and did accomplish; but for putting anything further of that capacious sleigh into or through that cellar way and door, the thing was literally just impossible, that was all; and the large, commodious, painted, finished sleigh having no possible means of getting out, had, by the laws of nature and the rules of arithmetic, *to stay in*, and so at last—at last, the lawyers were forced reluctantly and lamentingly to conclude, and dolorous Tom was the first to speak and break the fruitless, though laborious silence. He said, meekly—very :

“Fellows, this, after all, is a d—d bad job, and we will have to give it up; won’t we!”

First Spencer—“Yes, Tom, we will have to give it up. But what will the girls think and say?”

Tom—“Oh, we will go to them and tell them we couldn’t get a sleigh in the whole town for love or money.”

Second S.—"That won't do ; for I told my girl that we were building a sleigh in your cellar, and it was all completed and finished and ready for a drive, and everything was ready, and *she* must be ready."

First S.—"And I told my girl that, too, or words to that effect."

Tom—"You did not tell them about the *cellar-door*, did you?"

First S.—"No, I never thought of that—never!"

Tom—"Nor I neither ; d—n the cellar-door ! Why did we not build our sleigh on the high ground ! What short-sighted fools we are ! We might have known that we could never get a sleigh like that through that cellar-door ; d—n the thing !"

And so they all concluded, and duly donated the cellar-door to the deepest damnation for awhile, and then they got out of the narrow and limited cellar-way, themselves, into the snowy, open air, and looking at the standing, caparisoned horses, renewed their curses for awhile, and then took the horses and harness, home again, still keeping up their curses ever and anon ; and then they separated, and each one went to the home of each girl, for they did not forget them, by any manner of means, thinking if they did, it would be *all day* with them, and all night, perhaps, and told a cock and bull story of how all the horses of every kind, (if not *all* the sleighs) in the town were hired and taken up, and they couldn't get any horse or horses for love or money, as solemnly agreed upon among them before they dolefully separated.

Of course, to the girls of Tom, and the Spencer boys, the tale was too thin, and soon the fact of the big sleigh built in the cellar by Tom and the Spencers, which, after being built, *could not be got out of the cellar-*

door, was bruited about all over town, and the young shoots of the law were made the laughing butts of all the society women and men, and of course the story circulated at once among the legal fraternity, and from that day to the departure from this life of Henderson, when "poor Tom's a-cold," stuck to him, as the distinguished lawyer, who once built a sleigh in the cellar, to take a sleigh-ride with the girls, and couldn't get it out of his cellar-door.

TOM HENDERSON, AND THE WITNESS
WHO SLEIGHED HIM.

Tom was once examining a witness in Court—cross-examining the witness in an important case of his, in days of yore—and by his method and manner of questioning, had vexed the witness a great deal, so that he would occasionally sharply answer back at the lawyer.

In the course of the case and the examination of witnesses, it became important to know the exact dimensions of the body of a cart, which was in controversy among other personal property, and Tom was engaged in cross-examining the witness on the aforesaid dimensions of the aforesaid cart.

Tom—"How big was the cart did you say witness?"

Witness—"Well, of the ordinary size; about as big as other carts."

Tom—"But that won't do for an answer, Mr. Witness. I want you to be more particular in your testimony."

Witness—"I can't be more particular."

Tom—"Well, sir, you must be more particular."

Witness—"Well if I must be more particular, I should say, the cart in question was in its dimensions about the size of that sleigh you built in the cellar, and couldn't get out of the cellar-door."

This was like a clap of thunder on Tom, but the occasion of the largest guffaw in the court room; and the lawyer wisely concluded to ask the witness no more questions, and to cross him no more by his cross-examination.

TOM HENDERSON AND HIS PICTURE.

We have spoken of eccentric and curious Tom Henderson, sometimes in older days called the "real estate lawyer," because of the existence of so much that was of the earth, earthy, about his person, and generally liked very well, because of his harmlessness and innocuousness. Well, Tom was given to *chewing tobacco*—

"Filthy tobacco, that stinking weed,
Which from the devil did proceed.
Smoke and chew, and burn your clothes,
And make a chimney of your nose."

And as a result of this he was also given to much spurning of tobacco juice. He chewed so much, and spit so much, that he always called the notice of others to his habit. Once upon a time, some joking artist lawyer drew a pencil sketch of "Tom," squirting his tobacco-juice, upon the rotund face of the big pillar in the court room, which helped to support the ceiling of the great, large room. The likeness of the picture was so clever, that every lawyer recognized the picture, and it, of course, afforded grounds for many a joke, and good and bad sayings of and about Tom. A lawyer one day said to Tom:

"Tom, have you seen your excellent portrait?"

"No," said Tom, "what portrait?"

Lawyer—"Your portrait on the pillar of the court room."

Tom—"My portrait on a pillow?"

Lawyer—"No; your picture on one of the columns of the court room."

Tom—"Where? let's go and see it."

No sooner said than done, and Tom looked at the picture, and evidently recognized it as pretty good, but he at last said, in a serious way :

"Whoever drew that unartistic caricature isn't smart. He may think he is, but I will bet a chew of tobacco that he knows no more about law than he does about making likenesses. It must have been some envious lawyer whom I have *beaten* in court, and if he don't look out, I'll *beat* him *out* of court."

One day, just before the opening of the court, some one was seen rubbing *out* that likeness on the pillar, and it was vexed Tom himself, and he rubbed it out, and did not, to any one's knowledge, rub or drub out the artist lawyer, although he found out long before, who it was, and it happened to be a lawyer who had recently *beaten him in* court, and had been considerably annoyed by Tom's spitting and squirting his tobacco juice about and around during the trial of the cause.

LAWYER JAMES BOYLE AND THE COURT.

A peculiar and singular man and lawyer was old James Boyle. He had been practicing law in the courts of justices of the peace and the criminal department of the old Court of Common Pleas—his clients generally being low and impecunious fellows, from whom James got, for fees, whatever he could, from a tooth-pick to a tin kettle, or brass watch. One day he had rather an important criminal case to attend to for the defense, in the Court of Common Pleas, and the prosecuting attorney wanted the case set down for trial at an *early* day, for

he expected that the witnesses both for the State and the defense, would be tampered with, and he had not much confidence in the scrupulousness or unscrupulousness of James Boyle, the lawyer, about the matter. The court, agreeably to the request and application of the prosecuting attorney—Boyle in opposition—said: “Mr. Boyle, we will set this case down for trial on to-morrow.”

Boyle—“I oppose that. *I will not have time to prepare my witnesses.*”

Court—“Mr. Boyle, we don’t mean to give *you* time to *prepare* your witnesses. We so order.”

And the case was so set down.

A PRISONER’S REMARKABLE ESCAPE FROM THE
PRISONER’S BOX, WHILE ON TRIAL. THE
PROSECUTING ATTORNEY, AND
LAWYER STORER AND
THE COURT.

There was a famous or infamous criminal, who most adroitly, cunningly and boldly made his escape from the hands of the law—even while he was being tried before the court, the jury, the sheriff, the clerk, the lawyers and the audience, in the old court house. This was Simeon Ullery, once known throughout all the land for his forging and counterfeiting the bank notes of the many and various local banks of the country. Charles H. Brough was the prosecuting attorney, and Bellamy Storer, I think, was Ullery’s attorney and advocate; the court consisted of Presiding Judge William B. Caldwell, and associates, Morse, Wiseman and Moore. Simeon Ullery was being tried for forging and counterfeiting a bank note, and was likely to be convicted, and this nobody knew so well as himself, notwithstanding the efforts of

his distinguished counsel in his behalf. The prisoner was sitting in the elevated, balustraded, long-benched and big prisoner's box, existing in the old court house, which I have once described. The trial proceeded, and the evidence was closed, and the prosecuting attorney had made his argument, and the able advocate for the prisoner was becoming more and more eloquent, and in a blast of exceeding eloquence riveted the attention of the court, the jury, all the officials and the auditory upon himself—the orator. Ullery, in the deep attention of all to the eloquence of the orator, saw at once his opportunity, and, like Napoleon Bonaparte, he knew that an opportunity lost was a misfortune forever, and he deliberately got out of the prisoner's box, outside of the bar, thence out of the court room, and thence out of the court house and thence along Eighth street out of its vicinity, and thence over the hills and far away, and thence to the river, and thence into a skiff which he stole for his purpose, and thence across the Ohio River, and thence into the woods of Kentucky, and thence to parts so unknown, that he personally has never been seen or heard of, since. The orator was through with his eloquence, and his argument for the defendant, and the prosecuting attorney had begun his speech in reply, and was about to refer to the prisoner in the box, and turned around to look at the prisoner in the box; but now to his surprise, and the surprise of sheriff, court, jury, his lawyer, all the lawyers, everybody in the court room, there was no Simeon Ullery there. The bird had flown, the cage was empty. A hue and cry was immediately raised; the sheriff and his *posse* of deputies, and a huge *posse comitatus*, darted out of the court house, and not mistaking the desirable and attractive path pursued by the prisoner, they pursued it, over the hills and far away;

but not the prisoner, for he was already in the woods of Kentucky, and his lone bark was on old Kentucky's shore, left without oarsman or occupant. After the astonishment at the bold act, of all concerned in the court room, the prosecuting attorney remarked, that in the emergency he would take the advice of the court as to whether he should proceed in the case of the State of Ohio versus Simeon Ullery, just now on trial.

The counsel for the prisoner, getting over his own amazement at the bold and cunning adventure and escape of his client, before the eyes of all, although all those eyes had at the time evidently been diverted from the prisoner to his lawyer, arose in his place and objected to proceeding with the trial on the ground that the prisoner was not present, "and it was the right and privilege of the accused, by the terms of the constitution of the United States, and the constitution of the State of Ohio, the very fundamental organic law of the land" (and here he read from both constitutions), "to be present face to face with his accusers, and to confront the witnesses face to face; this was the guaranteed constitutional right of the prisoner, and who could deprive him of it; who in this land would dare deprive a person of so sacred a right. It was then clearly *unconstitutional* to proceed with the case; the prisoner was not here, and the case must fall and fail."

The presiding judge for a moment or two consulted *sotto voce* with his associates on the bench, and then declared the unanimous opinion and will of the court: "This cause of the State of Ohio against Simeon Ullery now on trial, will go on in due and proper progress. Mr. Prosecuting Attorney, you can proceed with your argument before the jury. It is undoubtedly the constitutional

right and privilege of the accused prisoner to be present at his trial, and meet the accusers and the witnesses face to face ; but it is a right and a *privilege* ; and the prisoner can, if he chooses so to do, waive his right and privilege, and it is a well settled principle of law, as well as of common sense, that the prisoner, or his counsel for him, can not take advantage of his own wrong. The trial was proceeding, and the prisoner chose himself to flee and escape from the very temple of justice itself, and therein commit a gross wrong. He can not take advantage of this. The trial must go on. Proceed, Mister Prosecuting Attorney."

And he did proceed, and the court charged the jury, and the jury retired to consult over their verdict, and soon returned into court and pronounced "Simeon Ullery guilty in manner and form as charged in the indictment." But Simeon has never been sentenced on this conviction. It stands now against him on the records of the old Court of Common Pleas, but the aforesaid Simeon is not, and has not been found, and never will be, unless, perhaps, we go away *below* to find him. This is a curious and remarkable incident. I don't know its parallel for cunning shrewdness, alertness and seizing just the proper moment of time, taking just the minute, the second of opportunity. Suppose such ability had been used in honesty and honor, instead of dishonesty and dishonor !

LAWYER JOHN C. WRIGHT AND THE BOSTONIAN.

Judge John C. Wright, the successor of Mr. Hammond, in the editorial chair of the *Cincinnati Gazette*, was an able lawyer, an able judge, an able member of Congress, and an able editor. Mr. Hammond requested on his death bed the publishers of the *Gazette*; to make

Judge Wright his successor. So Colonel Crafts J. Wright, the judge's son, now living in Chicago, informs me. Judge Wright came to this city after he had been judge of the Ohio Supreme Court, about the year 1834, I think. His son, Crafts J., had been practicing law in partnership with Mr. Hammond before him. He went into partnership with Timothy Walker, of much repute as a lawyer, a scholar, and a gentleman, and the firm became Wright & Walker, and did a big business, as I had full occasion and opportunity to know, being a student and clerk in their office for over three years, and afterward connected with them in a measure. Judge Wright was the author of "Wright's Supreme Court Reports," a law book of much legal authority in former days, and of great use yet. The cases reported by Judge Wright are of much varied interest, and authority, on many legal questions, and frequently are reported in a vein of peculiar *facetiousness*, for which the judge—little man in stature that he was, was peculiarly distinguished. The judge was in conversation one day with a Yankee gentleman, recently from the hub of the universe:

Boston—"So I see, Judge Wright, you have a Massachusetts gentleman for your partner."

Judge—"Yes. He is a Boston Walker, and a good talker."

Boston—"So I've heard; quite a scholar too?"

Judge—"The best in the world; a *walking* encyclopædia—a complete Walker in that respect.

Boston—"Ah—I am told he is rich, very wealthy?"

Judge—"Yes. He has walked himself into something in that way."

Boston—"Just like all intelligent and learned Bostonians who immigrate to the West. They all get rich.

I suppose Mr. Walker made his wealth by the practice of the law?"

Judge—"No, not by a great deal. Lawyers don't make money by the practice of the law. My friend, Mr. Walker, made his by investing in *matter o' money* with a lady."

Boston—"Aha! Yes, yes. Aha!" [Exit Boston.]

JUDGE WRIGHT, TIPPECANOE'S CONSCIENCE KEEPER.

In the days of the "Tippecanoe and Tyler too" political campaign, Judge Wright used to be called by the adversary political press, one of General Harrison's conscience keepers. This arose from the fact that he belonged to a committee of three, consisting of himself, Judge Burnet, and another whom I just now forget, who were appointed by political friends, to answer all the political letters addressed to the general, who, at the time, a weak, infirm, old man, was not thought fully able to attend to all the duties of the laborious campaign. As I know well, it did not at all disturb Judge Wright to be dubbed a conscience keeper of the General. "Better be a keeper of the good conscience of the General, than the hunter-up of the conscience of Martin Van Buren," he would sometimes facetiously say.

CONGRESSMAN JOHN C. WRIGHT AND CONGRESSMAN
DAVY CROCKETT.

I must not forget to narrate a story, though somewhat at the expense of my old friend and law preceptor, Judge Wright. I know if he were alive he would not take it amiss, because he frequently told the story upon himself. Judge Wright was formerly a member of Congress from Ohio, from the Steubenville district, and while there he

had for a fellow representative from the State of Tennessee, the long ago famous Davy Crockett. Judge Wright was not at all attractive in personal appearance. He was a diminutive man in stature, with a very large head, and a prominent face of not very handsome features, so that his looks, by no means prepossessing, were perhaps quite plain and homely, and not at all strikingly beautiful or picturesque. His mouth, chin and nose were extended somewhat, and this fact did not add to his beauty. Indeed, he had a reputation for being a very able and ill-looking congressman. On one occasion, Davy Crockett was visiting a menagerie of animals—not the House of Representatives—in Washington city, and he had a friend with him. They were looking around at the animals, and at last they came to the place where the monkeys were. Among these was one large, grinning, full-faced monkey, and as Crockett looked at him, he observed to his friend, “why, that monkey looks just like our friend, Judge Wright from Ohio.” At that moment he turned around, and who should be just behind him, admiring the same monkey, but Congressman Judge Wright, himself. “I beg pardon, Judge Wright,” said Crockett, “I beg pardon; an apology is certainly due somewhere, but for the life of me, *I cannot tell whether it is to you, or the monkey.*”

THE FIRM OF WRIGHT & WALKER, AND MONROE
EDWARDS.—HOW THE FORMER WAS TAKEN,
AND TAKEN IN, BY THE LATTER, ETC.

I remember an incident occurring when I was in Wright and Walker's office, that I must not forget to narrate. One day, a gentleman dressed in rich attire, with a large-rimmed, palmetto hat surmounting his brow, came into our office and asked for the lawyers of the firm.

Accompanying the gay and solemn-looking gentleman, was an apparent close body-servant—a youthful mulatto, well dressed and much devoted to *his* or *her* master. The mulatto impressed me as being remarkably fine-featured and really beautiful in form and figure and face. The name the master called his servant by, if memory serves, was “Robert.” Well, Judge Wright and Mr. Walker soon appeared, and the gentleman, learning their names, introduced himself by some name which I now forget, and announced himself from the South—from the great State of Mississippi—that his business with the firm was to have deeds of emancipation duly prepared for the release from slavery of about one hundred and forty slaves, who were now on his plantation in Mississippi, and whom he was now about to set free. Of course, lawyers were astonished at such benevolence and such munificence and such self-sacrifice in those anti-abolition times; but they were gratefully prepared to do the great business so confidently and so nobly and so complimentarily intrusted to them, and, with all due preliminaries settled, at work the force of the office went, in the due preparation of deeds of emancipation for one hundred and forty negro slaves, “now on a certain plantation belonging to —, in — county, State of Mississippi.” The fact, of course—such a wonder, such a miracle as it was deemed—got noised about, throughout the city, and the great and honored gentleman from the South, from the State of Mississippi, had many introductions to the best business men of the city—*bankers* chiefly on his own request—and all the deeds were made out, and the southern gentleman, with his body-servant, called for them at an appointed time at the office. They were duly delivered to him. He requested that they might be left

for action upon by, and recorded, in our Court of Common Pleas, which then also acted as a Probate Court. The request was readily granted, and then the gentleman from the South pulled out his huge wallet, and counted out a five-hundred-dollar fee to my preceptors and his lawyers, which they gladly and joyously accepted, and felt honored by the acquaintance of such a noble, philanthropic gentleman. Whether the deeds were ever acted upon by, or recorded, in the courts, I do not remember, but I think they were. Let that be as it may, that day a gentleman of most engaging manners upon his attractive acquaintance, went into the Commercial Bank (I think) of this city, and easily procured some \$11,000 on a Southern draft, which, some time afterwards, after examination, and investigation and information from *below*, proved a most arrant *forgery*. The Southern gentleman swindled other banks, on forged drafts, out of large sums. He went to New York, and, on the strength of his emancipation of a hundred and forty negro slaves, became acquainted with, and ingratiated himself into the hearts and purses, of the brothers Tappan, the great New York abolitionists, and swindled them out of a wondrous amount of money, and then embarked with his body servant for England, ho!

After a while, having sent his body boy servant, because *she* was pregnant, back to this country, and she betraying him on that account to the Tappans, of New York, he came back very foolishly himself, and, on his arrival in the metropolitan city, he was immediately arrested, and after trial for forgery by the Tappans' prosecution, he was convicted and sentenced to the Sing Sing Penitentiary for a long term of years, and there, before the expiration of his time, he died of despair and despondency.

This remarkable man was no less a man than the great swindler, counterfeiter and forger *Monroe Edwards*, famous or infamous throughout the whole country for his forging and foraging at that time ; and his body boy servant, so attached to him and so devoted, that she betrayed him when he betrayed her, was a mulatto woman, whom Monroe had picked up in one of the seraglios of New Orleans. These were, respectively, the man and the woman, who so well—he by his philanthropic pretensions and generous fee, she by her clever devotion, to her master—deceived the reputable firm of my preceptors in the law. They would have sworn by him ; they had occasion afterwards to swear at him. This is a curious and interesting incident, I think, and shows that there were successful, adroit impostors in the early days as well as now, and teaches us to beware of pretenders and cunning fellows of large assumption, at all times, and shows, too, how ridiculously foolish a man of guilt, no matter how shrewd or adroit, or cunning soever, will sometimes become, so as to uncover and reveal his tracks, and jump right into toils prepared for him. Monroe Edwards with all his skill, and after all his guilty experience, was such an infernal fool as to send his coadjutor and accomplice, in her delicate situation, back to this country and all alone, adrift upon the world. Of course, she revealed him and his ways. She probably had no other possible resource to maintain herself. She was a weak woman, and he, on account of his *lapsus mentis*, became, first, a fool, and then, through her, too, a weak *woc-man*.

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A LETTER FROM COL. CRAFTS J. WRIGHT, SON OF JUDGE
JOHN C. WRIGHT, AND A FORMER MEMBER OF
THE BAR OF THE OLD COURT HOUSE.
IN IT SOME INTERESTING REM-
INISCENCES, ETC.

One of the sons of Judge Wright, Crafts J. Wright, was an early lawyer of good repute and of renown in Cincinnati. He is living now in Chicago, and being much interested in these reminiscences and anecdotes of courts and bar of Cincinnati, he wrote me an interesting letter, parts of which I will cite, especially as they refer to several of our prominent lawyers and judges and others, and are reminiscences. He says in his letter :

DEAR JUDGE—I have read with much interest your reminiscences of old-time court matters. I am glad you are putting what you know in print. . . . Whilst my father was a whig, my uncles were democrats. Judge Benjamin Tappan, of Steubenville, afterward senator, (and with whom Stanton began the practice of the law, and under whose influence Stanton changed his politics from whig, those of his father, to those of my uncle, Judge Tappan, and so continued till the war,) was one of them. My other uncle was John M. Goodenow. I began the practice of the law in 1829 and 1830, at Steubenville, with my father. When my father went on to the Supreme Bench, I went into partnership with Judge Goodenow, who was one of the leading lawyers of the State. He proposed to move to Cincinnati, and made a promise in that case, to devote himself to law, and swear off from politics. We moved to Cincinnati, in February 1832, and soon got into a large practice. Judge Goodenow was a jovial man, frequented coffee-houses a great deal, got in with Robert T. Lytle and finally was induced to become a candidate for Judge of the Common Pleas, and he got elected, running out Judge Torrence. This

left me alone in 1833—I think that was the year—and Mr. Hammond took me in, and thus, then and there, I became connected with the *Gazette*. Our practice was not large, and chiefly in large cases.

There was a clerk of the court to be elected, and as Judge Goodenow had broken his word and left me, Mr. Hammond put me up as a candidate for the clerkship, and I was sustained, through him, by most of the members of the bar. Judge Goodenow's candidate was that politician, Sam Goodin, who, I think was appointed. Judge Goodenow was forced to resign. I finally was requested by Mr. Hammond, to withdraw my candidacy in favor of General W. H. Harrison, and I did so, and Harrison got it. Mr. Hammond died, and on his death-bed made Mr. L'Hommedieu promise that my father should take his place as editor. Mr. Hammond had one-third the income as salary, but my father was afraid that in some way he might quarrel, and, as mere editor, be turned out. My father preferred to buy a one-third interest, for which he paid \$15,000. The queer thing is, that his one-third of the profits of the *Gazette* at that time and for years, was only about ten per cent. on the \$15,000, and after fifteen years he only got \$23,000 for one-fourth, I having become possessed of the same and being president. The income, it is said, now reaches one-fourth of the purchase value of the whole in 1853, viz: \$100,000. What changes!

Your man "*Fales*," was a great friend of Mrs. John G. Worthington—that splendid woman, Miss Phillips, of Dayton. Fales' partner was Frazer. When I left Mr. Hammond, in 1836, I went in with Fox, and then to the *Gazette*. Tim Lincoln took my place with Fox.

Yours, CRAFTS J. WRIGHT.

Mr. Wright adds, by way of postscript: "Going into the army after the peace conference, as colonel of the Thirteenth Missouri Volunteer Infantry, I came out an invalid, with a constitution shattered, and unable to do

anything. In '65, I moved to Glendale, and then in '75, here. I was burnt up in the great Chicago fire. Thus I have lost the trace of most old citizens alive in '62, and those grown up since, and I am unknown to most, where, in times past, I knew every man, woman, and child, and they knew me. I traveled with Harrison when a candidate in '36, and again in '40, and thus knew him well."

This is an excellent letter from my old friend, Col. Crafts J. Wright, and it so well suits these writings that I give the most of it, the rest being of a kind and friendly reference to myself.—I trust that the colonel will find a welcome for himself in print among his former old friends. I am in receipt of other letters of congratulation from old lawyers, editors, and others, and when they present points of fact, I shall present them in print in due time. *Au revoir.*

LAWYER BENJAMIN TAPPAN WRIGHT, ANOTHER SON
OF JUDGE WRIGHT. •

Another son of Judge Wright, and a good lawyer of the days of the old court house, was Benjamin Tappan Wright, named after his uncle, Senator Tappan. He came to this city with his father, about the year 1834, and entered upon the practice of the law as a young lawyer, and was making quite a success when death claimed him as a victim. He was able and talented, and without doubt would have made his mark in the old court house, if he had remained with us. He is well-remembered by the few survivors of the earliest lawyers of our bar, as a learned lawyer and a gentleman.

LAWYER GRAMES AND HIS CELEBRATED SPEECH
ON THE "BOY."

We had a lawyer at an early day at our bar by the euphonious name of Grames. It must have been a printer's mistake or a corruption of "Grimes," and thus he was a descendant namesake of old Grimes; for he looked and acted much after the manner and style of his famous ancestor—

"That good old man,
We ne'er shall see him more."

And he dressed a good deal like him, for—

"He used to wear a long black coat,
All buttoned down before."

And—

"His coat had pocket holes behind
His pantaloons were blue."

Our Grames was about six feet high, with his long and much rough-lined head set grimly on his pair of shoulders, by the interposition of a gaunt, rugged neck, which was much distinguished by the emphatic prominence of its Adam's apple bulging out like it was going to shoot. His arms and his legs were long and lubberly; the trunk of his figure much resembled any other trunk that belongs to the baggage of travelers, and he moved about much like one of Maelzel's automaton, as if there were wires attached to him somewhere, which somebody had to touch or spring. He was gaunt, lean, and raw-boned, and his figure generally had a most portentous aspect and prospect, and upon it his coat and pantaloons and vest and neck-cloth hung as they would if suspended from a nail in a wardrobe. He wore a hat, not a shining one, though a black silk one, having, however, on account of accumulated dust on it, no longer the polished properties of silk. His face, under his rimmed hat, was dis-

tinguished principally by a nose, which, not altogether aquiline, was, nevertheless, vulturine, and looked very rapacious, and, underneath this, was a broad, thick-rimmed mouth, from which, when he spoke, issued low, sepulchral tones, as if from the doleful tombs. He was, evidently, not cut out for a lawyer, but certainly was for a solemn deacon, or an exhorter, or a preacher. One day, when he was speaking at the bar in a case, the deputy sheriff, Stalee, was asked by a stranger what lawyer was that addressing the jury and the court, and the deputy sheriff replied that he believed he was a *reformed* preacher. "How is that?" asked the stranger. "Oh," replied the deputy, "he was formed for a preacher and *re-formed* for a lawyer." But Grames was Grames; there was no mistake about that; he was Grames and always Grames, and whatever might have been adventitious changes or additions in regard to him, nothing could be made out of Grames but Grames. He knew law, was well read, but did not know much how to use it. He was peculiarly Grames—on the law.

On one occasion he was defending a small boy indicted for grand larceny, and found guilty, notwithstanding the serious, sombre, and solemn eloquence of Grames. There was no "house of refuge" or other reformatory, punitive establishment for juveniles, in those days, and the punishment for grand larceny for a boy was nothing less than the penitentiary. Grames could not for a moment give tolerance to the idea of his juvenile delinquent client going to the penitentiary, and as a last resort he resolved to make a solemn, and of course, effective appeal to the mercy of the court, to give the boy a new trial. Sentence day of the prisoners came on, and the boy was in the long-benched prisoners' box, with six or

eight grown-up fellows convicted of various crimes and ready for sentence. At last John Curtis was called and bid to stand up for sentence, when, in most majestic majesty and solemn solemnity, Grames arose in his place at bar, and delivered himself of the following nearly, in measured, deliberate, considered, meditated, solemn, serious, somber, bass-viol and trombone tones :

“ May it please this honorable court, I appear in behalf of that boy, and desire the court to take pity and have mercy upon the boy, and give the boy a new trial. It will not do for the boy to go to the penitentiary. No ! it won't do for the boy—one so young and tender-hearted as the boy must not be the companion of felons in the penitentiary ; it will ruin the boy, it will utterly destroy the boy, it will annihilate the boy—the boy will have nothing then to buoy up the boy, and the boyhood of the boy will be totally lost to the boy. Look at the boy as he sits in the virtue and innocence of the boy, in the prisoner's box, already amidst the corrupting and contaminating influences of older offenders than the boy. Shall the boy go amongst worse offenders than these, to the cells of the penitentiary ? Forbid it, justice ; forbid it, fathers of boys ; forbid it, mothers of boys ; forbid it, sisters and brothers of boys ; forbid it, this court of b-judges, who would temper justice with mercy in the case of the boy. May it please this honorable court, I solemnly invite you to look at the bland and smiling face and features of the boy. His placid and comely face is the dial-plate of his mind and soul, and indicates that the boy is an honest boy, *and about twelve hours—years of age.* ”

Grames seriously and solemnly and majestically sat down after this great climax, but the court was not moved

to tears, or to mercy, for they had been informed by the prosecuting attorney that the boy "whose face was the dial-plate of his mind and his soul," was the captain of a gang of young rascals, who engaged nightly in all manner of thieving in the city, and were called the "forty thieves," and the boy "whose face, etc.," rejoiced in all sorts of ways in being their captain. So the boy was sent to the penitentiary for three years, that the forty thieves might by that time be broken up and scattered to the four winds, or elsewhere.

LAWYER RILEY AND HIS CELEBRATED DEFENCE.

We had a curious and singular specimen of a lawyer in the days of the old court house, who lived up to the time of, and survived in the new court houses, and some lawyers now living may remember him. I allude to James Riley, or "Jeemes" Riley. I never knew him but when he was old and when he was "Jeemes." In my memory he was always called Jeemes Riley—he always had gray hair and a pinched-up, wrinkled face, which he made invariably much more so by his curious grimaces and unique way of turning about his blinking eyes. He was a bachelor and had all the ways of an old bachelor—in the law and out of it. He was not a ponderous man by any means, for he was sleek, thin and wiry, but he was a ponderous lawyer, so mighty, indeed, that he always weighed down the patience of the court whenever he appeared before it; even the old associate judges of the old court house, patient as they commonly were, used to get wearied with and tired of him when he had a case before the court, and presented his manifold and multifarious law points which he was in the habit of making and presenting, unlike any other lawyer, before

or since, before them. He was peculiarly and strongly *Riley* sometimes, if he was at all disappointed, or balked in his tedious, prolix and very long discourse. He was great on paper—that is, he consumed a great deal of *fool's-cap* by his legal writing. Even his pleadings used to be as long as the moral law; and his speeches, oh, my! whoever heard them through, but a judge who was officially compelled to? He never had lawyers or citizens for an audience during the *whole* course of any speech of his. His continuity, probity and perseverance out-timed all around him; and it is a wonder that the inanimate things about did not rise and go off to take a vacation or a rest. But he was great in his way, on law points, as dull as they were, and he was always so full of them, that they stuck out of his mouth and body like quills on the fretful porcupine, though not quite so sharp and acute and prickly. His eloquence, if so it could be called, like Alexandrine lines, was always long drawn out, and the stream seemed never to end or empty itself into any other water. It was never clear or pellucid, and towards the middle or near end, or anywhere, the current of his thoughts and his expression of them was always *roiley*—*roiley* clear through and through. But there is no use of further description to get an idea of him, for nobody could ever get an idea of, about or from him—guess he had no idea, and was not the subject or the object of an idea.

Well, to a sort of reminiscence of him. In his practice of the law he took any sort of a case, all sorts of cases; was not particular, and gave one and all, his prolix, ponderous and prolonged and never-varying attention. On one occasion he was engaged in the defence of a prisoner in the criminal department of the old

Court of Common Pleas. His client had been indicted for petit larceny—stealing a pocket book, containing a dollar or two in change, from the pocket of a drunken man, while he was lying in his drunken sleep in a mud-hole on the side of the road—and the *riley* lawyer thought he had a great legal point for his client in the case, and by presenting it to the court he was quiet sure to get his client off before the jury. The trial came on, the evidence of the State closed, having plainly disclosed that the accused had, while his victim was drunk and asleep in the mud, taken from his side breeches pocket the aforesaid pocket-book, and change in quarters and dimes. The pocket-book was exhibited on trial, and it was very muddy, all over dirt and mud, and it was *just here* where Riley begot, conceived, and was finally delivered of his point in his way. In his cross-examination of the witnesses for the State he had, in addition to the mud on the pocket-book, proven that the pocket of the victim who was robbed, laid next to the muddy ground, and therefore, as Riley justly concluded, the pocket-book must have been sticking out of the pocket, and in the mud, when his client, the indicted, took it from the pocket, or side of the victim. Now, it is a principle of the law, which Riley sort o'knew, that real estate, however taken, cannot be the subject or object of larceny; personal, movable property can only be stolen. You can't steal real estate and be indicted and convicted for it. It is a further principle of the criminal common law, that anything in, or attached firmly to real estate, can not be the subject or object of grand larceny, and this, too, Riley knew in his riley way.

The prosecuting attorney made his speech for the State, and now it came Riley's turn, and he did, turning

and turning, turning over and around, and addressed his great legal point, which he had discovered and held on to, like grim death to a corpse, to the judges of the court, thinking if he could convince them "on the pint," they, of course would direct an immediate acquittal of his client at the hands of the jury, and he commenced: "May it please your honors of this honorable court," and went on and on, and on for quantity or quality—or rather without regard to either—talking about everything and anything from the days of Methuselah, and taking pattern after him in his speech in length of hours instead of days. At last through windings and windings, through labyrinth and labyrinth, through maze and fog, he reached the great and chief legal point of his case. By this time some of the judges on the bench manifested signs of nid-nid nodding, and it was necessary for Riley to blow a blast to wake them up, and he did so, thus, with all his might and main: "Viewing the extensive importance of the legal point I am about to advert to, as it is a cloudy day, and threatening a storm, I would that a clap of thunder, following the effects of lightning, delivered by Jupiter, would summon your *wakeful attention*."

Of course the associate judges and the presiding judge instantly woke up and bestirred themselves—their ears stretched out much longer than usual, to catch every word of the great and important riley legal point, which now, no doubt, was to be made clear and pellucid, as the mud of the mire, in which Riley's client's victim was lying at the time of the unfortunate theft of the pocket-book, and quarters and dimes.

"May it please the court—may it please your Honors of this honorable court"—continued the lawyer parenthetically, or by way of exordium to his peroration.

“It is a principle of the criminal common law as old as the everlasting hills of England—where we get all our law from—that you cannot predicate the crime, or offense or misdemeanor of larceny of real estate, or anything attached thereto. To take real estate, or anything attached thereto, is, in fact, no larceny at all. I have a great abundance of authorities upon this subject which I will read.” And Riley began to pick from the cart-load of books, which he had gathered upon this familiar law point, and had placed upon the lawyers’ table, just before the bench of judges, and was going to read every one of them, when the presiding judge interrupted.

“Mr. Riley, you are not going to read all of those books are you?”

Riley—“Not *all* of them, may it please the court, only in a few pages in each of them.”

Presiding Judge—“Can’t you dispense with reading authority upon a legal point so clear, that the text books are full of it?”

Riley—“But the text books are too brief upon the point. The cases in the reports are much more diffuse, profuse and clarified. I will read them.”

Presiding Judge—“Now don’t, Mr. Riley, take up the precious time of this court by reading what we all already know too well. It is useless. It is wasting time.”

Riley—“What is time to principle? The waste of time is nothing when compared to principle. Time is made and executed for slaves. I will establish my legal point before your Honors, if it takes all the week. I will read the authorities.” [And he picks up a book.]

Presiding Judge—“Mr. Riley, your principle is well established in the minds of the court; there is no use of reading or reciting authority on a matter so plain.”

Riley—"But I desire to read [picking up a law book, and turning over the pages] from the books, to strengthen and confirm the minds of the court, if possible, and practicable."

Presiding Judge—"There is no use of that, Mr. Riley; the minds of the court are already strong and confirmed upon the point; any reading from the books, I respectfully suggest, might only serve to make our minds *riley* upon the point."

Riley—"True; if that is the case, I will throw no dirt in the stream of your Honors' thoughts. I will consider my point as made, and will now proceed to apply the evidence elicited in the case of my poor client, to this great point or principle of the common law."

Presiding Judge—"Proceed then to the jury."

Riley (turning to the jury)—"Gentlemen of the jury, I find, on due deliberation and consideration, that the honorable judges of this honorable court are with me on the law in this case, and it only remains for me to invite your attention to the facts as they have come out from the evidence in the case. In the first place, the man from whom this pocket-book, containing a few, paltry quarters and dimes, was taken, was drunk; and being, drunk, as aforesaid, was lying in the mud of the mire, which mud and mire aforesaid was part and parcel of the earth; and the earth, gentlemen of the jury, the aforesaid earth, is real estate, and now, gentlemen of the jury, how was the man lying? The testimony shows that he was lying in the mud of the mire—a part of the aforesaid earth—a part and parcel of the aforesaid real estate. He was lying close, close down upon the aforesaid earth, in the aforesaid mud of the aforesaid mire, the aforesaid real estate. The aforesaid drunken man, in his aforesaid

drunken sleep, in the aforesaid mud of the aforesaid mire of the aforesaid earth—the aforesaid real estate, was thus firmly and fixedly attached to the aforesaid real estate. But, further, it is proven beyond any possibility of doubt, or contravention or contradiction, from the muddy pocket and pocket-book of the aforesaid drunken man, that the aforesaid pocket and the aforesaid pocket-book were closely attached to the aforesaid mud of the aforesaid mire of the aforesaid earth, of the aforesaid real estate, and thus was a thing, at the time it was stolen, attached to real estate, and in the celebrated language of the aforesaid books lying before me on this table, and admitted by this honorable court, it was not the predicate of the crime, offense or misdemeanor of larceny. You cannot, gentlemen of the jury, you cannot steal or commit larceny of anything attached to real estate. This aforesaid pocket-book, when it was taken by my aforesaid client from the aforesaid drunken man, lying in the aforesaid mud of the aforesaid mire, of the aforesaid earth, of the aforesaid real estate, was closely attached to real estate—indeed, it is covered all over with mud now, [picking up the pocket-book from the table and holding it to view,] and is even now a part and parcel of that aforesaid real estate. My client, then, gentlemen of the jury, cannot be convicted of larceny, of *stealing*. He was, at the time of the taking and carrying away of the pocket-book guilty only of a trespass, in the language of the aforesaid books, upon real estate. You cannot convict him of larceny, as the court will instruct you, beyond all doubt. He cannot steal real estate or anything attached thereto,—no, never. Thus, having *analytically* disposed of the testimony of this case, I assert a profound claim for a verdict at your hands, gentlemen of this very enlightened and most sagacious jury.”

Oh, how relieved the court and the jury and the prosecuting attorney and the officers of the court and the lawyers and the scarce and few auditory were, when Riley got through and sat down; and, for fear that he might have occasion to say something more, the prosecuting attorney submitted the case to the jury under the charge of the court, and rested. When the court came to charge the jury, Riley stretched his already too long ears, to catch the words of the court upon his great and important legal point. To say that he was gratified or even satisfied, would be far, very far from the truth, for the court took pains to tell the jury that what the counsel for the prisoner had said in applying the testimony to his great and important legal point, was sheer nonsense, and the jury should so consider it. The jury, of course, returned a verdict of guilty, without leaving the jury box, and Riley was so roiled that he was raving, and did not get over his mania for several weeks.

THE YOUNG LAWYERS AND THE YOUNG LADIES.

In the days of the old court house, when our present, aged, intellectual lawyer, William M. Corry, was young and in his fresh and vigorous beginnings of manhood and of law, he took it into his head, a very gallant young man as he was, that it would be a right good thing to have an audience of ladies within the bar of the old court room, to hear, and perhaps approve and applaud and give *ecclat* to one of his extraordinary forensic efforts. Jordan A. Pugh, another intellectual young lawyer, was colleague of Corry, and they were opposed in their great case by two veterans of the bar, and the young men being well assured of their own success in winning the case, indulged in the very fondest of hopes of the approving smiles of

their lady friends. Young Pugh had readily agreed to the suggestion of inviting the ladies to court. The ladies came and were assigned to, and occupied a set of well-arranged chairs within the bar, just along the balustrade, in sight and full view of the jury, the judges, and all the lawyers. The argument of the case commenced, and soon it was the turn of the young, intellectual lawyers to speak for the defence. They did so, and both spoke eloquently, long and well, but they both *made one great mistake!* They addressed the ladies who were invited to hear them, instead of the jury; and they spoke so much to and for the ladies, to gain and win their smiles and approbation, that the old, green-eyed men of the jury took umbrage at the youngster lawyers, and the result was, a verdict was rendered finding everything for the plaintiff, and nothing for the defendant and his young lawyers and their ladies. Instead of victory perching upon their fresh banners, a "damned defeat" was sorely experienced, and all on account of the women, for the young men had a good case, without them. Ladies were never invited to *court* again!

LAWYER HODGE AND HIS NOTES OF HIS DEFENCE.

Adam Hodge, as a lawyer, had very few superiors among the young members of the old bar. He was distinguished for learning and legal sharpness and acumen, and was very successful in his practice. He was a tall, thin, spare man, long arms and long legs and long body, and long, but a very agreeable and pleasant face, which, when he was arguing a case at bar, lit up with peculiar, fascinating illumination; and his eloquence attracted all his listeners, who were pleased with his use of language and his mellow, bass and tenor tones of voice. Adam

also had wit and humor in him, and frequent sallies would issue forth from his brain, with the applause of his auditory, and to the discomfiture of his adversary. He was a clever gentleman and a clever lawyer, and no one who ever had the pleasure of knowing, will easily forget him. He was engaged in the defence of many prisoners in the criminal department of the court, and he seemed to love to defend such, and would gloat with positive delight whenever he succeeded in getting any defendant acquitted. He would proclaim his victory everywhere, over the prosecuting attorney, saying that "he beat the d—d State's attorney [calling him by name personally] this time, any how." But if he happened to be defeated, he would coolly and deliberately console himself by saying, and frequently repeating, "Oh, the d—d State was too much for me, this time. It, with its tremendous grip, can throw any lawyer." In the one case he would crow over the prosecuting attorney personally, and in the other he would attribute his defeat—not to the ability of the State's attorney—but the great power of the State itself!

Adam used to prepare notes for his speeches that he made in court, not particular or detailed ones, but brief ones, such as would enable him, without much difficulty, to command the threads of his speech, merely heads of his subjects, or heads of the divisions of his subjects. On one occasion he was engaged in trying a very important criminal case, defending a client charged with forgery, forging a bank-note or notes. The presiding judge and his associates of the old Court of Common Pleas had ruled *against* Adam on the many points of the law in the case, so as to make him quite indignant, and he had fully and firmly resolved, when he addressed the jury, he would get his compensation out of the court by freely denounc-

ing them and their unfavorable rulings. So the evidence closed, and while the prosecuting attorney was speaking, Adam prepared his notes of the headings of the remarks on the case that he should submit to the jury, and they were about these :

First—Get the good will and favor of the jury.

Second—Persecution of the defendant by the prosecuting attorney.

Third—Merits of the case ; the facts and the law.

Fourth—The good character of the defendant as proved by numerous witnesses.

Fifth—Reasonable doubt in favor of the defendant.

Sixth—GIVE THE COURT HELL !

The prosecuting attorney got through, and Adam began his argument, and had his notes on a half sheet of paper in his hand, and at the third and fourth headings he grew wonderfully eloquent, and in the midst of his rhapsody, he accidentally placed his half sheet of notes upon the lawyers' table. A lawyer sitting near and fond of a good joke, saw and read what was on the half sheet of paper that Adam, in his absent-mindedness, induced by his flights of eloquence, had laid upon the table, and he (the joking lawyer,) slyly arose and handed the headings on Adam's half sheet of paper to Judge Brough, presiding on the bench. The judge took them, looked at them and read them, and passed them to every one of his associates, who also looked at and read them ; and then they were handed back to the presiding judge, who left them right before his eyes, on the bench.

Adam reached the fifth head, "Reasonable doubt, etc.," without the help of his notes, and descanted to the jury learnedly upon the law on that point, and was nearing his next and sixth and last heading, when, his recol-

lection failing him, he began to look for his notes on his half sheet of paper. He looked, but looked in vain—the half sheet of paper was not on the table. He was disturbed; he fumbled in the pockets of his person, or rather of the garments of his person, and then looked into his big, green bag, (for lawyers carried big, green bags with them in those days,) and then he looked all over the table, but failed to descry the coveted half sheet of paper with the headings of his speech, and he, at last, in some confusion, was forced to remark, “Somebody has taken my notes. I had another and sixth and last heading, of great interest and importance, in my notes, upon which I desired to speak at some length to the jury; but not finding my notes, I really have forgotten just what that heading was, may it please the court.”

Presiding Judge—“It will not *please* the court, Mr. Hodge, to hear you under that sixth and last heading, for the court is already fully aware of its import and extent, and a blast from you under that heading might entirely *annihilate* us. We are certainly fearful.”

Hodge—“How so, your Honor?”

Presiding Judge (holding up the half sheet of paper to view,)—“Here is your missing half sheet of paper and the headings of your speech. If you will please omit the terrible sixth and last heading, you will certainly better please the court, and perhaps the gentlemen of the jury.”

Adam saw it all at once at a glance, and for the first time in his practice he sank down and wilted, and his client was convicted, and he resolved never to put the headings of his speech upon another half sheet of paper, come what might, again, and he never did, *never*, and not “hardly ever.” He used to say to me sometimes, in referring to this deprecated episode in his practice, that

“the court had me that time ; if it hadn’t been for that half sheet of paper, I would have acquitted my client without fail ; I have got so now that I won’t write any more upon a half sheet of foolscap paper ; it always reminds me of the *fool’s cap* I wore that day when I saw my half sheet in the hands of Charley Brough on the bench.”

LAWYER HODGE AND HIS DIVORCE CASE.

I once had dutiful occasion to hear and listen to a cross-examination of a witness in a divorce case, upon the puzzling subject of habitual drunkenness, in the old court room of the old court house. Adam Hodge was the lawyer for the husband, defendant, and the cross-examination of the witness :

Adam—“ Well, witness, you have said you have seen my client drunk ; now I want to know what you mean by that ? ”

Witness (not used to definition, or defining anything, much less this puzzler)—“ Well, Mr. Hodge, drunk, drunk like anybody else.”

Adam—“ Like anybody else, eh ? Then he must have been sober if he was like anybody else. Eh ? ”

Witness—“ No ; I mean like anybody else when they are drunk.”

Adam—“ Oh ! like anybody else when he is drunk ; and how is that ? ”

Witness—“ When he is half seas over.”

Adam—“ And how is that ? ”

Witness—“ When he is three sheets in the wind.”

Adam—“ I don’t understand these terms ; if you please, witness, when is a man three sheets in the wind ? ”

Witness—“ When he is half seas over, I reckon.”

Adam—“ And when is he half seas over, please ? ”

Witness—“ When he is drunk.”

Adam—"Ah, that 's it, is it? You are very intelligent and very intelligible. You've got back to where you commenced. Can't you now commence again, and tell us what you mean by saying that you have seen my client drunk?"

Witness—"Well, he was full of liquor."

Adam—"How do you know he was full of liquor?"

Witness—"Because he was drunk."

Adam—"You've got right back again."

Witness—"Well he didn't know what he was talking about."

Adam—"Ah, that 's it, is it? He didn't know what he was talking about. Well, witness, are you *now* drunk?"

Witness—"S-i-r?"

Adam—"Are *you* now drunk?"

Witness—"What do you mean, sir?"

Adam—"You must be *drunk*, according to your own definition, for it is very evident to the court, and to us all, that you don't know what you are talking about, and therefore you must be drunk."

Witness—"I do know what I am talking about, and I ain't drunk. I'd have you know, sir, I don't drink liquor at all, sir, and never did, sir, and the way you treat me, sir, you ought to take the *d* and *e* out of your name, sir, and make it, *A-dam Hog*, sir."

The *literatim* sally literally took frierd Adam aback, and he stood quite aghast for awhile, and then wisely dismissed the undefining and undefined witness from the stand, with nothing further from him on the puzzling "habitual drunkenness."

LAWYER ADAM HODGE, AND HOW HE MADE THE DARK
COLORED WITNESS ABSOLUTELY SO DARK,
OR BLACK, AS TO EXCLUDE HIM
FROM TESTIFYING.

In long days of yore, what were called the Black Laws, used to exist on our statute books, and they existed there from most early times, having been enacted by the Legislature of Ohio, long before there were many abolitionists, or any abolition party. They deprived the black man of many privileges, and among the worst things which they did, they wholly excluded him from testifying in a civil, or criminal case, or a case of any kind, before any of the courts of the State, where a *white man* was concerned. These odious laws were at last repealed in the triumph of anti-slavery sentiment, as they ought to have been long before, for independent of the grossest injury and injustice upon, and to the black man, they worked also the grossest injury and injustice to the white man. At last our Supreme Court, composed of wise judges, went so far as they could, against the iniquity of the black laws, in reference to the testimony of witnesses, and positively decided, that, when a man or woman of the colored race, was more white in color, than black, he would be a good witness, and could testify against a white man, or a white woman. Of course this good decision, as good as it was, frequently produced a great deal of difficulty in court, to show that an offered colored witness in a white case, was really more white than black. It was as the weighing but the weight of a feather over, in the case of Shylock's pound of flesh; if the colored witness was just a whit or iota of white color more than black, he was a safe and secure witness, and

if not, he was not. And such was the state of the law, in the State of Ohio, and brother Adam Hodge well knew it, and well applied, and was well successful in it.

He was counsel for the defense in a celebrated case of the State of Ohio *versus* Hardy Perkins, indicted for murder in the first degree. Now Hardy, the defendant, was a colored person, but he was not a mulatto; he was a quadroon, and Adam Hodge first astonished the court, as against the prosecuting attorney, who was my official self in those days, that his client under the law of Ohio, was a white person, as he was certainly more white than black, and Adam duly exhibited his client under *a very bright light* at one of the great windows of the court room; and the court was obliged to adopt Adam's legal point, and decided on their personal inspection of the prisoner, in the light of the full and blazing sun peering through the great window—where Adam put his client of course *purposely*—that he was a white person. This satisfied Adam, and much dissatisfied the prosecuting attorney, both of whom well knew, that the chief witness in the case upon whom the State would, and must rely for a verdict of murder in the first degree, was a colored person who it was very difficult to tell, whether he had more white than black in him. Adam chuckled over his first victory, as he was much in the habit of doing and waited for events—vastly paused for them.

It was not long in the progress of the trial before this colored witness to prove murder in the first degree, was called, and was told to take the witness stand. Now about this witness stand. It was a small round platform with an open balustrade, for the witness to stand upon a little elevation, and lean against the balustrade, and was

quite movable from place to place on the floor of the old court room. After Adam Hodge had got the court to decide that his client was a white man, and therefore not a victim of black testimony, and conscious of the danger to his colored client of the evidence of the colored witness, he with the help of the facile and humorous deputy clerk William McMaster, had moved the witness stand, all unknown to anybody, to a shadier and darker position on the floor of the court room, quite away from the bright light of the great window, in which he had first shown his client, and close up to the large column of the court room, indeed, quite under its shade, and shadow. With this preparation, Adam was satisfied, and he felt himself prepared for the colored witness, and equal to the occasion. Some witnesses had already been examined by the unconscious and unsuspecting prosecuting attorney, occupying their places upon this veritable witness stand placed in the shade exactly where it was; and colored James Wilson was called to the witness stand, the most important State witness for murder in the first degree, and the colored witness took his place under the shadow of the column, on, and in the aforesaid witness stand.

"Mister Clerk," said the prosecuting attorney. "swear the witness."

Lawyer Hodge—"I object—may it please the court."

Court—"Object to what, Counsellor Hodge?"

Lawyer Hodge—"To the *swearing* of the witness!"

Court—"On what grounds?"

Lawyer Hodge—"Because he is a *black* man under the law of the State, and cannot testify against my client, whom the court have solemnly decided to be a *white* man under the law of the State."

Prosecuting Attorney—"The witness is not a black man, he is as white as your client, and comes of the same family. He is a known cousin of your client."

Lawyer Hodge—"I care not for that, I ask the court to personally inspect the colored witness in the witness box, and decide for themselves."

Court—"We will do so. Witness look at us—turn your face—full view!"

And James Wilson presented his face in full view to the court, which happened very luckily for lawyer Adam to be right in the dark shade of the large column, which cast a dark shadow over this full view so presented thus to the personal inspection of the court, and as a consequence, made the full face in full and fell view, look much darker than it would have done in the light, and the result was, the court decided that the witness had more black in him than white, and therefore he was not a competent witness against the defendant, a white man, under the law of the State of Ohio.

So a second complete victory over the prosecuting attorney by the chuckling Adam Hodge; and the final third triumph, of course, now came, for the verdict of the jury in the exclusion, and absence of the testimony of this most important witness, James Wilson, was murder in the second degree, and thus the saving of the neck of Adam's darkey client. The trick of the movement of the witness stand was never discovered, until afterward told by Adam himself, in his repeated chuckles and boastings that he had "beaten the d—d State this time," and the admiring observations on himself, as to *how* he had "come it over" the State's attorney, and saved his colored client's neck from the ignominious halter. This was really a great score for Adam! It shows too, into

what muddles and mud-puddles courts of justice are sometimes forced to get, because of the existence of unfit, and unjust laws upon the statute books. They had better not disgrace our statute books!

THE STORY OF THE OLD CORONER.

In the days ago^{ne} our coroners used to be nominated by our party conventions and elected by the people, not for their ability or their competency, but because they were good Democrats or Whigs, as the case might be; and as the latter, I am compelled to say that in the history of our county politics formerly, I never knew of a *whig* coroner, and so I have got no stories to tell of any coroners belonging to that party of early days, or in the times of the old court house. But I have got a story to tell of an old democratic coroner, who really possessed very little merit or ability of any kind, except that of being an old-fashioned Jackson democrat. He had served the party well—that is, he had always been at the polls during a long life, and had always voted the democratic ticket, whatever it was. Following the Jackson times, and the Jackson example, and the Jackson expression, he always was for “going the whole hog” when the democracy or democratic ticket was concerned. For this reason, and for this reason only, old Reasin (not reasoning) Reagin, a butcher by trade and occupation, and a *Dimmycrat* dyed in the wool, was nominated by the democratic convention, duly assembled at Carthage, in the *back-yard* of the old Dutch tavern, as usual, for coroner of Hamilton county, and in due time was duly elected by the democratic people. Coming in possession of the office, and thus clad in a little brief authority, which proved to be too long, however, he began to play

fantastic tricks, not to make the angels weep, but to make the dimmycrats cry, and cry aloud. We shall not immortalize all that he did, but we will narrate one thing, which if Shakspeare had lived and had heard of, he would have immediately revised the character of the immortal Dogberry, and added the incident I am about to relate to the celebrated sayings and deeds of Dogberry.

At the dead of night, in a low coffee-house, called a tavern—Fox's Star Tavern—at the corner of Liberty street and the Miami Canal, just at the junction of the old wooden canal bridge, in a low, drunken brawl, a murder had been committed. It seems that a drunken man from the country, from White-water township, by the name of Payne, who had, with money on him, been going the rounds of the city, was inveigled into this out-of-the-way, low saloon by a couple of scoundrels, one Lecount, who was afterwards hanged for another murder, and one John Hahn, a desperate fellow. A quarrel was purposely gotten up, and these two fellows assisted by the landlord, Fox, and another villain in the fracas murdered poor Payne, their inveigled and entrapped victim. After the murder, the four rascals concluded to throw the body into the canal, to conceal their crime. At this scoundrel work they were seen and watched by two mysterious different persons, who at that late hour of night, or rather early hour of the morning, happened to be crossing the canal bridge and heard the splash of the dead body into the water, and that night or day duly reported the facts to the police, and some of the guilty parties were arrested, tried and convicted of manslaughter, and sent to the Penitentiary. But to Coroner Reasin Reagin; as coroner, he was, of course, sent for, to hold an inquest on the dead body when it was extracted from the dirty canal. It was

two o'clock in the morning, and the old Dogberry, thinking it was a case of flat 'burglary,' concluded to 'examine the malefactors' right away. The night was dark, and Dogberry had to resort to the use of the lanthorn and a tallow candle, for there was no gas in those days by which to look about, and to discover and discern what he was about. The corpse was lying upon its back on the tow-path of the slimy canal, and the coroner remarking "that it was a plain case of *fell-on de sea—or the canal*," summoned a jury of six persons from the immediate neighborhood to execute things expeditiously, and very *wisely*, and in his selection of his men to examine the case, *he positively chose three of the murderers* to sit upon the jury of inquest. These three men were the villians Lecount, Hahn, and the landlord, Fox, and they constituted just one-half of the coroner's jury. Of course the jury rendered *their* verdict of *accidental drowning*, and the stupid coroner thought there was sure an end. But not so. The two mysterious witnesses who saw the deed, communicated with the police, and they immediately communicated with the attorney for the State, and he at once ordered the coroner, Reasin Reagin, to hold another inquest on the body before it was buried; and the result of this was, the finding in the back of the head of the corpse, a large fracture and hole, which intelligent physicians testified was the cause of the victim's death, instead of accidental drowning, as the first *murdering* jury had rendered as their verdict, and which they of course, *purposely* did not see or examine; and the further result of this repeated inquest was the immediate arrest of the *three persons of the first coroner's jury as the murderers of the poor victim, Payne*. Of course, the news of the mighty prudence, forecast and wisdom

of the Dogberry coroner, were bruited about and loudly condemned all over the city—that he had held an inquest on a dead body, and had the *three murderers* of it to constitute *one-half* of the jury. The prosecuting attorney, and many other citizens, took care that Reasin Reagin should never be coroner again; and he was not.

ANOTHER FUNNY OLD DEMOCRATIC CORONER.

Brigadier General Charles Hales (not of the marines but just as good—of the militia, by appointment of a democratic governor, and coroner of Hamilton county by the suffrages of his democratic fellow-citizens, and therefore an officer of the old court of the old court house), deserves some particular notice at our hands. As a general of militia—not *malitia*, for he was very open-hearted, frank and clever—he had no superior in his days. He in private life was a livery-stable keeper on Fifth street, where most of the stables were congregated, and therefore was fully capable of riding on the best of horses, or stallions, if you please, and he took military advantage of this, for in his capacity as Brigadier-General, he rode one of the most beautiful and prancing and dancing dapple-grey stallions that it was ever anybody's pleasure to see. Owner of a great stud of horses, he had one grand stud-horse; and to see him mounted on his faithful charger on trainin' day, was to see a sight grand and glorious to behold. He and his horse would occupy the whole width of the street, and the length of it too, and if he was out on the common, there was hardly any room for the common soldiers with their broom-sticks and cornstalks for muskets. On trainin' day, he was all fuss and feathers, and being about the only uniformed man of all his coventry soldiers, he was Jack

Falstaff on horseback, and he was the necessary cynosure of every eye, and the attractive observed of all observers. I saw him on one occasion, at the head of his army; he was mounted on his dapple-grey, and was training the soldiery. He gave a word of command, and the regiment advanced forward, and the front line so encroached upon him and his horse, that he was wholly unable to cavort about as usual, and in the distressing and desperate emergency, he thundered out: "Halt, battalion!" and they halted close upon him and his dapple-grey stallion, and then, he thundered out another unique command: "Attention, battalion!—being too far forward—*advance backwards!*" and they did so.

In his official capacity as coroner, though always fussy if not feathery, he was quite efficient in finding out the mysterious dead and holding the "crowner's quest" over the "whoreson dead bodies." I was present one day when he was called upon to hold an inquest over a dead body. There was suspicion of poisoning, and the jury being summoned and testimony taken, which rendered the cause of death exceedingly doubtful, the old coroner let himself off as follows to the six jurors: "Gentlemen of the jury, there be suspicioning of pizen in this 'ere case, and, to be sure on it, I shall order and command a *post mortur* examination by the doctors," and he adjourned the case until after he had procured a *post mortem* investigation by the physicians. Old Coroner General Hales, in every doubtful case, would always insist upon a "*post mortar*," and always had it his own way, without, however, summoning the hod carriers! He was the *post mortar* coroner!

THE BASTARDY CASE AND THE BABY.

In one of those *quasi* criminal trials, as the lawyers say, to find out the true paternity of a baby, occurring in the Court of Common Pleas, in days of yore, there was considerable contradictory evidence; so much so, that the lawyers and the jury were troubled, and the court was very much troubled as to what was the conclusive truth of the matter before the court. The evidence for the girl-plaintiff was strong, and the evidence for the young-man-defendant was equally strong, and it would have required the wisdom of a Solomon to have solved the knotty and naughty affair—not to *divide* the baby to find out who was the mother, but to *decide* for the baby and mother, who was the father. The baby was not in court. The mother had not brought it into court, as she ought, by all means, to have done. The court, or rather the judge of the court, got an idea, at last, and looked all around for the baby, but there was no baby to be seen. “Where is the baby?” interrogated the court.

Lawyer for the plaintiff—“It is not here.”

Court—“Have it brought, at once, into the court room.”

The lawyer immediately sent his female client, the mother, away for the baby, and after a considerable lapse of time, the mother appeared again with the baby in her arms.

“Let the court inspect that baby,” said the judge, and the mother came forward and lifted up the baby before the eyes of the court. “I am now satisfied,” said the judge, and added, “show that baby to every man on the jury, and let each one of the jury inspect the face of the baby. Likeness in physiognomy goes a great ways.”

The lawyer for the plaintiff, fairly jumping in glee, took the baby from the arms of its mother, and holding it up to view, showed its face to every one of the jurors, and every one of the jurors, by his looks and in his looks, appeared satisfied.

“Now proceed in argument to the jury,” said the court, and the lawyers did argue and got through, and the court charged the jury about thus: “Gentlemen of the jury, the oral evidence of the witnesses in this case is very contradictory, and so evenly divided that it would be hard to decide upon their conflicting evidence. But blood will tell, gentlemen, and you have seen *the face* of the baby, and that face is the exact likeness of the defendant’s face now on trial; but above all, gentlemen, that aquiline nose of the baby is the perfect image of the aquiline nose of the father-defendant, and that red spot, or wart, on the end of the nose of the baby, surely was begotten by that red spot or wart on the end of the nose of the defendant. Take the case, gentlemen, and make up your verdict.” The jury, of course, in making up their minds, did not leave the jury-box, but, *viva voce*, voted a verdict of guilty. And the young mother and the young baby were vindicated, and the young man was truly indicated as the father of the child, and was condemned to pay the mother five hundred dollars for the baby’s support and maintenance. Hoyle says, as we all know, “when in doubt, take the trick.” The court, in this case, emphatically said, “*when in doubt, bring, or take the baby*,” and this decided the case, and was the judgment, if not of a Solomon, certainly not of a *slow man*,—perhaps, though, of a *Solo-man*.

THE OLD COURT OF COMMON PLEAS AND CUTE, CUNNING,
COLORED, AND COLLARED WILEY EDWARDS.

Our city used to be called Porkopolis, and the name yet clings to it like the scent of the rose, or *pigsty*, though we do not now deserve the appellation so much as we used to. In days ago, pork-packing establishments were very, very numerous, and pork-packers were our rich, if not our wise men, and hogs and pigs were held in such positive reverence, that they were permitted to go about the streets like other citizens, and indulge in their inalienable rights of life, liberty and the pursuit of happiness, in their own happy, hoggish and piggyish method and manner. The grunts of the hogs were as common as grumblings of citizens, and the squeal of the pigs was as general as the hallooing and loud and reckless calls and cries of the boys in the streets. Then we were indeed *Porkopolis!* But, whether for the better or the worse, it is not so now. The once familiar hogs and the pigs, who could many *tales* unfold, have quite disappeared from the commons, the wharves, the alleys and the streets, and none are now so poor as to do them reverence. My old schoolmaster used to say of the hogs, that they were the most privileged class of gentlemen in the streets of our city, for they came and went as they pleased, and left their cards in their visiting places, just as they desired. Well, in those hog days—or the days of hogs about the the streets, they had owners about town, of course, who, enjoying their *otium cum dignitate* at home, were fain to let their hogs and pigs grow fat and sleek in feeding on the garbage of the streets, for corn cost a good deal, and these daily free lunches for the hogs and the pigs were not at all expensive to the owners. Indeed, they cost

nothing, and all the owners had to do was to mark the ears or the bodies of their hogs and pigs with their private brand, or cut or cuts, and let them go loose to seek their own fortune, and laugh or grunt and grow fat in time to be turned into good, sound, healthy and round, fat pork.

A good many of the owners of these "ere hogs," were of the *colored* persuasion, who resided for the most part in and about the purlieus and precincts of beautiful and odorous Bucktown of those days: and among the most curious, eccentric, and eminent of those owners was one yellow-faced, iron-gray-woolly-haired and comical-looking colored gentleman, yclept and known, far and wide, as "Wiley Edwards," and he was most appropriately and properly named, for if ever there was a low, cunning nigger, *Wiley* Edwards was significantly, emphatically, and preëminently the veritable chap. Wiley had his own highways and low-ways and sideways and by-ways, and complex and intricate ways, and all sorts of ways for his hogs and pigs and himself; and his hogs and his pigs, in quantity, were by far more numerous than those of any other gentleman of color, or otherwise. At least, this was so with the quantity of hogs and pigs in the streets of the city that had on them Wiley's private ear-mark, for totally unscrupulous as he was, in ownership, and always prepared with a pocket-knife in his pocket, day time or night time, he would catch every stray hog he would see in the street, and whack-out of the hog's left ear, his (Wiley Edward's) private ear-mark. Thus he had immense possessions in hogs and pigs, and he, himself, certainly was the biggest hog of them all. But Wiley's title to ownership used to be very often questioned, and frequently he was arrested for stealing hogs or pigs, or both, and frequently he was tried and convicted

and sent to the chain-gang for months. But this he did not seem to mind a bit ; so he kept out of the penitentiary he was all right ; and in order to keep himself out of the penitentiary, when he was going to steal one or more hogs he would finely and sharply and adroitly consider and calculate, and engage in the practice of arithmetic in his way, so as to be sure that the value to be assessed upon his stealings would not amount to more than *thirty-five* dollars ; for up to the extent of thirty-five dollars, stealing was *petit* larceny, and a few months on the chain-gang ; while over thirty-five dollars' stealing involved, and incurred a sentence to the penitentiary, which, of all things in this life, Wiley would, and did most *wiley* evade and avoid.

But he was continually and continuously guilty of most numerous instances of petit larceny—stealing one, two or three hogs belonging to some other person, of the value of something *under* the aforesaid thirty-five dollars. Almost every term of court there was an indictment reported by the grand jury against Wiley for stealing hogs, and, he would be arrested on a *capias ad respondendum*, and he would be sure to get bail, and he would not forfeit his bail on the day set for trial, for he would be sure to be there, stand his trial, be acquitted or convicted, no matter which, and take the consequences. On one occasion, some joking, practically-joking lawyer, (for there were some such in those days,) persuaded Wiley Edwards that, as he was up so often before the court on account of his *leg-itimate* hog business, it would be a good and blessed thing for him to get, and keep in the good favor and graces of the judges of the court, and for that purpose he might present each of the judges a good piece of fresh pork at the home of each, and as he was going to be tried pretty

soon for stealing a large, fat, nice hog, he ought to prepare the pork of that, and present each judge with a piece. Wiley snapped at the suggestion, and killed his stolen hog that night, and prepared the pork therefrom, and cut it exactly into four pieces, one for each of the four judges—the presiding judge and the three associates. Two of the judges—Caldwell and Wiseman—lived in the city, and one early morning, a large, fat quarter of fresh pork was found on each of their porticos, just before the front door. Of course they were taken in by the servants, and regarded as some *dcodand*. They were timely cooked, and eaten. The other two judges, Saffin and Moore, resided in the country, in Greene township, and one morning quite early, while Judge Saffin was preparing his horse and buggy for his departure to town and the court house, whom should he espy, coming up the great pathway of his garden to his front door step, but the veritable darkey, Wiley Edwards, tugging over his right shoulder a large fore-quarter of fresh pork, and he exclaimed, in some trepidation, “Hello, you thieving darkey, what are you doing here?”

Wiley—“Oh, nuffin, your 'onah. I's jis' comed on purpose to fotch you a nice piece of dat ar hog wat dey say I stole. I jis' leff de odder foah quarter ober to his 'onah Judge Moore, and me bring dis yer for you. It be fresh and nice.”

Judge Saffin—“You thieving rascal, what do you mean? Did judge Moore *receive* your pork?”

Wiley—“Oh, he was n't up out of him bed, and I jis' leff him at de front doah of his mansion wid a ticket on it, wid my name and 'spects.”

Judge Saffin (angrily)—“The devil you did. Get out you black rascal, or I'll have you arrested immediately, and sent to jail.”

Wiley—"Don't go for to go and get mad, your 'onah. I didn't done steal dis yer pork. De hog was my own, and I fotch you dis piece to prove it—to prove my in'cence."

Then the judge's anger could no longer hold in or hold out, but he burst out into a most boisterous, angry laugh, at the utter ridiculousness and ludicrousness of the situation, and amidst his laughter, he said :

"What have you done with the *whole* hog?"

Wiley—"Oh, yer 'onah. I gib each one ob de 'onnable judges a quartah."

Judge Saffin—"What!!!"

Wiley—"I gib each one a piece."

Judge Saffin—"Did they take them?"

Wiley—"Well, I don't know, boss, I done leff dem at dar doahs any cum how. I 'spec dey done did."

Judge Saffin—(In another burst of hilarious laughter.) "You did, did you?"

Wiley—"Yes, yer 'onah; I done done it."

Judge Saffin—"Well, this *is* a capital joke. You wish to *bribe* the judges of the court, do you?"

Wiley—"Pon my 'onah, no, boss, I jes want to prove dat I'se not guilty of stealing dis yer hog. It was my own, and had on its left ear my private mark. Dat's so, shuah."

Judge Saffin—"Who put it there?"

Wiley—"I done did my own seff."

Judge Saffin—"What mark was there on the hog before you put yours on it?"

Wiley—"Now, for the Lord's bressed sake, de hog was no done marked at all afore. I raised de hog from de little bit of a pig."

Judge Saffin—"You are *lying now*; but get about

your business right away with your pork, or I will have you taken up right off for *bribing* the judges of the court."

Wiley—"Won't you done hab de nice pork, den?"

Judge Saffin—"No; get about your business; leave here immediately, and take your pork with you. Don't say another word—go!—begone!"

And so Wiley, somewhat scared, shouldering again his fore-quarter of pork, retraced his steps, and out of the gate into the road leading to the city, trudged his weary way six miles back to town, reflecting all the while on the curious instability of all earthly affairs, without a doubt. He was afterward tried for stealing the hog, and of course was found guilty—all the judges but Judge Saffin having partaken of the stolen pork, and being, in fact, unconscious receivers of the stolen property. This was a great joke upon the judges. Of course, through facetious and fun-loving Judge Saffin, it was noised in the bar and outside, everywhere, and remained for some time a capital standing joke on the judges—how they received and actually ate the stolen pork, for stealing which, the darkey, Wiley Edwards, was sent to the chain-gang.

THE WITNESS' FUNNY NOTION OF RESPECTABILITY.

There was on trial for perjury, a young man, who had sworn falsely but not wilfully so, as appeared at last by the testimony, to an affidavit before the marriage license clerk of the probate department of the old Court of Common Pleas. He was anxious to get married it seemed, to a young Miss Brown, who was under eighteen years of age, and therefore a minor, and could not get legally married without the certified consent of her father

who was her surviving parent, but this consent could not be obtained. So an elopement from parental roof was planned, and the young man duly appeared before the marriage license clerk, and not having the father's consent with him, he made oath, and signed affidavit, that his affianced, Miss Brown, was eighteen years of age and over, and that he had her consent, which latter was true, and the young couple eloped and were married by a clergyman, in due form, and went living together as man and wife. The young man, when questioned by the license clerk as to the age of the young lady, thought, though he had not the father's consent with him, that it would never do to give it up so Miss Brown, or, Mister Brown, and he "swored" to eighteen years of age, because the young, fair lady had told him that was her age, as it afterwards appeared by her own testimony on the trial for perjury, and he was rightfully acquitted of wilful perjury, "accordin' to the statoots!"

The *Reverend* Sammy, or "Thammy" Brown, as he used to call himself, well known as a lisping old pioneer of our city, was enraged at the marriage. He was a rich, overbearing old man, and the young man who had eloped with and married his daughter was a poor mechanic, and the old man, "Reverend" as he was, despised poor men, and particularly mechanics. As a matter of mere vindictiveness and revenge, therefore, he prosecuted and persecuted the young man, now his son-in-law, for perjury, for swearing falsely to his daughter's age, who, the "cruel parient" alleged in his testimony on the trial, was but "thweet thixthteen,"—and then followed this examination of the parent witness:

Lawyer—"How old did you say your daughter is, Mr. Brown?"

Brown—"Jutht thweet thixhteen."

Lawyer—"Why, she looks older than that, Mister Brown. She looks like a fully ripened woman—fully matured."

Brown—"Tho the doth—like her thweet mother before her, who, when I married her jutht at thweet thixhteen, wath jutht like her—bleth her memory!"

The reverend witness was getting pathetic, and, the lawyer perceiving it, turned the course of the examination.

Lawyer—"But, Mister Brown, I understand that you approved of this young man's visits to your daughter?"

Brown—"Yeth, I did at firht, becauth I thought he wath tho nithe and tho *rethpectable*!"

Lawyer—"What made you think that the young man was so respectable, Mr. Brown?"

Brown—"Well, thir, becauth every time he made hith appearanth at my houth, he carried a handthome, thin cane, and he wore kid-thkin gloveth, and, of courthe, I thought he belonged to the arithtocracy and wath very rethpectable—very rethpectable!"

Lawyer—"Then, Mr. Brown, your idea of respectability consists in a thin cane and kid gloves?"

Brown—"Yeth, that ith the main idea. I thought the young man wath quite rethpectable, of courthe; he courted my daughter with a nithe cane and lavender kid gloveth—but he turned out to be a poor mechanic after all."

Lawyer—"That will do, Mr. Brown; you can leave the witness stand.

Of course, there was a verdict for the defendant.

THE STORY OF THE PROSECUTING ATTORNEY AND
THE "OUTSIDER."

In the days of the old court house, I, as prosecuting attorney, once had a curious experience. It was before the time that the county commissioners provided the State's attorney with an office and office sanctuary for the deposit and safe-keeping of articles procured from criminals, which were necessary for evidence in the trials of their cases. I then had my public office the same as my private lawyer's office, on Fifth street, opposite the Dennison House, and I, of course, kept all such articles as safely as I could. The crime of burglary, breaking into dwellings, stores, and houses of all kinds, for the purpose of stealing, used to be, as it is now, one of frequent occurrence, and burglars had many and various ways of getting into houses, chief among which was opening front doors with what was called an "outsider," in the parlance of the burglars. This was an instrument made with a long handle, and at the end tubular pincers were so arranged that they could be put into any key-hole, and made to grasp the end of the key placed in the inside of the lock, and then, with the outsider so grasping the key, the key could be readily turned and made to unlock the door, and permit the ingress of the burglar. These instruments had to be made by skilled artisans, and with great care, and they were very valuable among criminals, a good one costing as much as fifty dollars, sometimes. Many front doors of houses in this city used to be opened with these curious instruments, and successful burglaries committed, and the owners of the houses, knowing that their houses were all locked up, used to be astounded as to how the burglars managed to get into

their houses. The police of the city made me, as the State's lawyer, acquainted with these "outsiders," and I was very anxious to procure one, for the purpose of exhibiting it to the jurors in burglary cases, to show them in what manner, and how easily, a door could be unlocked and opened with one of them, when the key was in the lock.

At last, as I thought my good fortune would have it, a splendid outsider came into the possession of City Marshall Ebenezer Hulse, and he told me to come to the marshal's office, in the old church building on Sixth street, near Walnut, and he would give it to me. I accordingly went to his office and he gave me a beautifully and skilfully made outsider, that would unlock *any* door with the key in the lock. At the time I got it of the marshal, there were two or three police officers present in the marshal's office, with whom I was acquainted, but nobody else, as I observed. I took the fifty-dollar-valued outsider to my office that day and placed it very carefully underneath a good many papers in a locked drawer of my locked office desk, and then I locked up my office, and went to my home. Next morning early I returned to my office, and what was my surprise when I got to my office door, to find it wide open and the lock bursted and my desk and drawer opened, with broken locks, and my office floor strewn with all my law papers. I saw, of course, that a burglary had been committed during the night in my office, and, thinking at once of the valuable outsider, I looked for it in my drawer and found it *gone*! I looked and looked if anything else was stolen, but after a thorough search I missed nothing—nothing else. But the outsider was gone, and from that day, long—long, ago, to this, I have never seen or heard of it. Of course, I

communicated the fact of my burglarious loss to Marshal Hulse and he was very much concerned, but all the wit and skill he could bring to bear about the matter in a long time, was of no avail. Now, who stole that "outsider?" That is a question which has never been answered, though both the marshal and myself strongly suspected one of those shrewd police officers who were present at the time the outsider was given to me. Soon after this the efficient marshal provided me with another outsider, which he procured on the arrest of some burglar, and this one, though not so good as the other, I used to exhibit to the juries in court afterwards, to show how readily and easily burglaries could be committed, and the exhibition always resulted in a conviction of the burglars. This, then, was an "outsider" experience by an official *in-sider*.

THE PROFANE DUTCH WITNESS AS TO MORAL CHARACTER.

A singular Dutch witness one day appeared for his friend, in the old court, to testify to his residence in the county and his good moral character. The friend desired to become a naturalized citizen of this country and had made his application in due form to the court, and had his witness present with him to prove his five years' residence here, and his good moral character. And the witness was sworn by the clerk, and when the clerk, in administering the usual oath, concluded—"and testify the truth, the whole truth, and nothing but the truth"—the Dutch witness replied, holding down his uplifted hand, to the great astonishment of the court,—

"Yaw, by Gott."

"Witness," said the court, "what do you mean—swearing in that way before the court?"

"I means nottings, by Gott?"

“What!” said the court.
“Nottings, by Gott,” repeated the witness.
“But what makes you so profane?”
“Me bees not profane, by Gott.”
“What makes you swear so?”
“Me does not schwear, by Gott.”
“What do you mean by saying so often, ‘by Gott?’”
“Nottings, by Gott.”
“We will have to put you in jail if you don’t quit it.”
“Jail, by Gott—what for, by Gott?”
“Well, this beats all!” said the court—“do you know the applicant for naturalization?”
“Yaw, by Gott.”
“Is he of good moral character?”
“Yaw, by Gott.”
“Mister Sheriff,” said the court, “we cannot stand this profanity any longer in court—take this fellow to jail for contempt of court.”

On the order of the court, the sheriff moved from his desk to seize the witness, and the witness saw him coming, and he immediately took to his heels and ran out of the court room more swiftly than an arrow, exclaiming, as he went, “You shan’t take me to jail for nottings, by Gott.” The court, convulsed now with laughter, ordered the sheriff not to pursue the profane witness, but to let him go.

PERHAPS THE TRUE DEFINITION OF LAW.

There was a learned, and original thinking judge upon the bench of the old court house, and there was a lawyer earnestly addressing the jury, and contending that the law of the case was so and so, for his side of the case, and in the midst of his declamation to the jury, he

exclaimed: "You know gentlemen of the jury, as well as the court, that the law is the perfection of reason as the old legal writers have it—the perfection of reason!"

"Stop, counsellor," blandly said the court, "stop a minute, and we will consider about that. This court does not know, and cannot agree with the learned counsel, that the law is the perfection of reason, though many legal writers have been pleased, and vain enough to say so. We think it, however, much better to say that the law is not the perfection of reason, but of *reasoning*, which we take it, makes a mighty deal of difference! Reason is one thing. Reasoning is quite another.

Reasoning upon the subject very carefully, we think the judge was quite right, in his wise and nice discrimination, and, we are glad to say, that, the earnest advocate thinking considerably a moment, wisely accepted of the court's amendment, at the time.

FANNY WRIGHT ON THE BENCH IN THE OLD COURT ROOM.

It was, I think, in the fall of 1834, that the celebrated Fanny Wright, from England, made her first appearance on the public rostrum in the city of Cincinnati. She had lectured in New York, Boston, and Philadelphia on her peculiar views of matters and things, and then she came to the West, and first to Cincinnati. When she came, she was welcomed by a good many infidel citizens and those of a free and liberal turn; and they procured the old court room of the old court house for her to deliver her speech in, and extremely well did she do it, too. It was on a Sunday morning, and the old court room was crammed with fellow-citizens, and Fanny Wright spoke from the bench of the judges, and she spoke with great eloquence and was frequently unanimously applauded.

I remember points of her lecture, for, boy as I was, I was there to hear the first woman I ever heard speak in public. Fanny was certainly the first woman who ever dared speak in public here. I remember her lecture was mostly devoted to free-thinking, and against all religions and superstitions, and she spoke most earnestly and eloquently about woman, and her equal legal and political rights among men. Thus we see that the woman's rights movement was commenced in Cincinnati away back in 1834, and if the women of this country ever get their rights, and particularly the right of suffrage, they may thank their stars, and the chief star of all, the luminous Fanny Wright, for first twinkling in their behalf, in this country, and in the old court house.

CURIOUS STORY OF THE SINGULAR DOG, AND THE
SINGULAR DOG CASE.

I remember a most curious case involving the identity and ownership of a big Newfoundland dog, occurring in the old court times. The case came up to the Court of Common Pleas, from the judgment of a justice of the peace. It was a suit of replevin for the ownership of the dog. There were about sixteen witnesses who swore that the dog belonged to the plaintiff, and his name was Yacob; and there were about seventeen witnesses who swore that the dog belonged to the defendant, and his name was Carlo. The plaintiff and the defendant were both lager beer saloon keepers, and it was abundantly in proof, that the dog was seen and known as much at one saloon as at the other. The parties were Germans, and all the witnesses on both sides, were Germans, and there was no telling from the testimony of the many credible witnesses, to whom the dog did really belong. At length

a lucky thought as was supposed at the time, struck the mind of the presiding judge, and he ordered the plaintiff who then had possession of the dog by virtue of his writ of replevin, to bring the dog into court, and make *profert*, or *market overt*, of him to the jury.

The plaintiff did so, he went away, and returned with the big, black and white, curly-haired dog, and exhibited him to the jury and the court. And now there came the funny time. The defendant called the dog by the name of Carlo, and the dog went immediately to him, and delightfully shaking his tail, received his caresses. The plaintiff then called the dog by the name of Yacob to him, and the dog immediately turned round with and in haste, leaped upon the lap of the plaintiff, and with his delighted tail received the plaintiff's caresses. The defendant called Carlo again, and again Carlo went to him as before, and the plaintiff called Yacob, and Yacob leaped upon the plaintiff, and this sort of thing was repeated again and again, and involved the singular case as to ownership, in more singular mystery than ever. The judge of the court then called Carlo, and Carlo leaped upon the bench, and upon the judge, and then one of the jurymen ventured to call Yacob, and Yacob leaped from, and left the bench and the judge, and ran to the knees of the jurymen, and there was a great laugh, very much hilarity in court. What—what was it all—who could solve the riddle of ownership? The matter was left to the jury, and the jury disagreed, and could not agree upon a verdict, and agreed to disagree, standing exactly divided as to the ownership; six jurymen being for the plaintiff, and six jurymen for the defendant, and no change from that being possible, they were discharged by the court, from further consideration of the case, and

there was an end, for a time. But the next term of the court the case was tried again, and the jury again failed to agree as to the ownership of the dog, and were discharged. At a subsequent term of the court, the case was a third time tried, but with no verdict; and at last the parties themselves getting tired and sick of the repeated trials about the dog, gave up in despair and would have no more trials, and we suspect that the case of the Newfoundland dog is still to be found on the court docket, untried and unsettled. In the meantime the dog was allowed to live his usual life, first in one saloon, and then in the other, and may be so living to-day. The costs of the case still unpaid, because the case being unsettled, there is no telling who is to pay them, became enormous, amounting at last accounts, to over six hundred dollars, a dozen times or more, the value of the dog. This was a singular and curious dog, and a singular and curious dog case in court.

THE LAWYER AND THE ACTOR IN THEIR CUPS,
AND THE CHRISTMAS TOAST.

I once knew a lawyer of the old court house, and a celebrated actor of the old People's Theatre merging their minds and souls in glasses of Bourbon and pots of ale. The lawyer, when expostulated with, would refer to Sir Toby Belch, in the "Twelfth Night," and would exclaim with much gusto: "Dost think because thou are fartuous we'll have no more cakes and ale!" and the actor, when spoken to, would strike a tragic attitude and bawl out: "Thou canst not say I did it—never shake thy gory locks at me!" They were convivial and jovial and jolly fellows together, and they went from saloon to saloon, and became quite mellow and very frisky. It was

Christmas day, and at length they brought up together at the old Produce Exchange, opposite the old court house, and in they went together and called for some old Bourbon ; and their glasses being filled, the lawyer said to the actor :

“Now, I will give you a fit and appropriate toast for this Christmas day.”

“Hear,” said the actor, “hear ! hear !” and himself and all the guests of the house about the bar, were attentive.

“I give you,” said the exhilarated lawyer, “*The hero of the day we celebrate !*”

“Down goes the hero of the day we celebrate !” said the actor, and down went their bumpers of old Bourbon, to the infinite amusement of the hearers gathered about and around, and to the evident satisfaction and gratification of both the maudlin actor and lawyer, who ended with a hurrah, and infinite applause of themselves.

THE SINGULAR STORY OF THE MURDERER AND THE FLIES.

In the July term, A. D. 1847, of the old Court of Common Pleas, a man by the name of Ferdinand Seitz was indicted and tried for the murder of one John Addam. The criminal murderer was a German, and murdered his victim, in the middle of the day, in an open, newly-ploughed field of a farm in Anderson township, Hamilton county, by shooting him with a pistol first, and then, proceeding in his escape across the ploughed field, he came across an old, decayed plough, and breaking the beam from it, he went back and beat out his victim's brains with it, and then hurriedly made his escape. But after he had got some two or three miles off from the scene

of the terrible tragedy, being tired and foot-sore, he sat down upon a pile of lumber near a new frame house being builded by some workmen. Some of the workmen coming near him, in the warm summer's day, began to talk to him, and one of them, to his surprise, observed that clumps or clusters of flies gathered upon his knees and thighs on the outside of his pantaloons. Just at this time a hue and cry had been raised in the neighborhood of the diabolical murder, the corpse of the victim having been timely discovered, and some of the pursuers of the escaped murderer came along where the workmen were engaged in conversation with the strange man, and told the story of the murder to the workmen and the strange man sitting on the pile of lumber. So soon as the story of the murder was told, the workman who observed the different and various clusters of flies upon the strange man's legs, exclaimed, pointing to the man, "That fellow there, must be the murderer! See—see how the flies gather upon his pantaloons in clusters;—there must be blood where those flies are—there must be spots of blood there!" And sure enough—they took the man, examined him, pulled off his pantaloons—there on his white drawers, beneath his dark-colored pantaloons, were great, red gouts of blood. He was immediately taken into safe custody, consigned to the hands of the constable of the township, and brought to the city and lodged in jail. Then he was indicted for murder in the first degree, and tried, and convicted by the jury of murder in the second degree, and sentenced by the court to the penitentiary at Columbus for life, where, we are told, he is yet confined, having been there now thirty-three years. This murderer then was discovered and detected by harmless though ravenous flies, who, in their greediness,

assembled in clusters upon his legs to devour the coagulated blood—yet in spots—remaining—of the murderer's victim. It is a very singular and curious incident, that FLIES should assume the place and office of *detectives*, and make known to the world, and to justice the murderer of a fellow-man. Surely the flies are deserving of a place in our reminiscences and "it is recorded." This is certainly a very strong illustration of the truth of that trite axiom, "Murder will out," and, we see, and may add, even tell-tale flies will bring it out.

STEALING AN UMBRELLA—NO LARCENY.

A SMART LAWYER'S DEFENCE.

I remember on one occasion when I was State's attorney, there was a low fellow indicted for petit larceny—stealing an umbrella of the value of five dollars, of the goods, chattels and property of lawyer Telford. It seemed on the trial by the evidence, that the thief went into the lawyer's office, which, as is often the case, he found open, and it being a rainy day, he took a brand-new silk umbrella which he saw standing in a corner and made off with it. Soon lawyer Telford came in, and about going to court, missed his umbrella and started off in the rain without it. Going along up Main street, he espied his lost umbrella in the hands of a loafer or tramp, going leisurely along, and having the umbrella hoisted, to keep off the rain. He caught the fellow and handed him over to a police officer, and, of course, got his umbrella. The young smart lawyer defending the prisoner, made a smart and novel defence. He solemnly insisted before the court and the jury, that the taking of an umbrella was no larceny—no stealing—that umbrellas were common property, especially when it was raining—

as was the case at bar. Like dogs, umbrellas had no value in the eyes of the common law. It was not larceny to take and carry away a dog by the English common law. It was not larceny to take and carry away an umbrella on a wet day, by the American common law. He cited Iago's speech to Othello, paraphrasing it a little in conclusion :

“Who steals my *umbrella* steals trash—’t is something, nothing,
’T was mine, ’t is his, and has been slave to thousands.”

But the court and jury did not agree with the smart young lawyer, and his client was readily found guilty, and sentenced to six months on the chain-gang.

THE DIFFICULTIES OF THE PROSECUTING ATTORNEY
AGAINST PUBLIC SENTIMENT IN A
MURDER CASE.

In the year 1849—a very celebrated murder case was tried in the old Court of Common Pleas—Judge Charles H. Brough presiding with his three associates in the old court room. The prisoner on trial was the famous or infamous Margaret Howard, for the murder of the mistress of her husband, Captain Howard, as he was called, and known from Cincinnati to New Orleans as a most polished gentleman. Difficulties had transpired between his wife and himself, and they had separated, and had been separated for a long time, during which the gay and festive Captain kept a mistress and furnished her with beautiful lodgings on Fifth street, in this city. One morning, early, Mrs. Howard knocked at the door of the house in which the mistress lived, and the summons of the knocking was obeyed by the mistress of the Captain. Mrs. Howard, in excitement, asked her if Captain Howard was in. The mistress replied: “No, he was not, but

that she was Mistress Howard, and she would attend to any thing for him." At this, in a whirl of paroxysm, the real Mrs. Howard plunged a butcher-knife which she had purposely sharpened to kill the Captain, her husband, into the bosom of the ill-fated mistress, and the poor woman fell a corpse, weltering in her blood. Mrs. Howard, in her insane rage and excitement, left the door, with bloody knife in hand, concealed under her shawl, and pursued her way through the streets, and was arrested at the corner of Fourth and Walnut streets, lodged in jail, and indicted by the grand jury then in session, for murder in the first degree, on the evidence presented before them by the State's attorney.

On the tidings of the murder, the whole city was in a blaze of excitement, and next morning, all the daily newspapers had long editorial notices of the murder, universally sympathizing with the wife against the mistress and her husband, and emphatically declaring that the victim of Mrs. Howard's sharp knife had been *rightly* served, but expressing regret that it was not the husband, instead of the mistress upon whom the smarting vengeance of the wife was accomplished. From this beginning, all the people of the city—men, women and children, were on the side of the wife, and no one but police officers, who knew Mrs. Howard well, and State officials were against her. She was arraigned, and her lawyer, Judge Timothy Walker, put in a plea of "not guilty," and insisted upon a speedy trial, desiring of all things to take advantage of the almost universal sentiment in her favor. The prosecuting attorney earnestly opposed setting the cause for trial during that term, in the hope and expectation that delay would produce a second sober thought in the minds of the people, and justice would be

better done at some future time, when all excitement was over ; but the judges of the court, seemingly sympathizing too with the poor woman, overruled the State's attorney, and the case was set for trial for an early day in the term.

The day of trial arrived and the old court room, gallery and all, were crowded with people, a great portion of whom were sympathizing women. At last a jury was procured and was sworn, and the witnesses were called and sworn, and made out a plain case in fact of murder in the first degree—a murder of revenge on the mistress of the husband. But the defence was *insanity*, and a host of witnesses were called, doctors and all, to prove this defence ; and, plainly to speak, the defence, as a matter of fact, was not made out. But what of this ? The people of this city had resolved that Margaret Howard should be acquitted, and the very atmosphere of the court room, was loaded down with acquittal. The State's attorney felt this oppressively, and well knew it, and arising in his place to make the opening speech or argument to the jury, he said : “ May it please the court, and gentlemen of the jury, I feel like one who stands alone to resist a great avalanche of public opinion and expression ; I can not do it, and I shift the responsibility from me to you, and submit the case on the testimony to you, without another word.”

At this, there was a tremendous thunder of applause from the great crowd of the court room, which was silenced by the sheriff at his desk. and the court proceeded to charge the jury quite in favor of the prisoner, and the jury retired, and having been gone about fifteen minutes, returned to the court room and rendered their verdict—“ not guilty, by reason of insanity ”—and oh !

what a shout went up from that crowded auditory of the old court room. It made the welkin ring, and ring again, and then the people crowded around the acquitted prisoner and followed her and the jury and the sheriff to the hotel, on the corner of Ninth and Sycamore streets, where a great anticipated dinner was prepared, and the sheriff and the prisoner and her lawyer, and her jury of twelve men sat down and broke bread together, while the people outside, hurraed and huzzaed for her, and after dinner escorted her to the jail. She was afterward *pro forma* put into the lunatic asylum, but of course as she was not insane, she was soon discharged therefrom, and with her four children moved out of the city and State, to Michigan, I believe.

This, then, was the celebrated case in the annals of crime of Cincinnati, of Margaret Howard, and if ever a State official experienced trouble and difficulty in the performance of his sworn official duty, it was in this case. Why, from the very first he had "no show" at all; everybody except the police officers, was against him, and he had to move and do his sworn duty against all this opposition, and he might well ask the conundrum, as he did, *cui bono?*—and repeat it, *cui bono?*—and again repeat it.

A JACKSON FEAT, (AND NO DEFEAT), ON THE PINNACLE
OF THE STEEPLE OF THE OLD COURT HOUSE.

In the great log cabin and hard cider political campaign of 1840, of course, "Tippecanoe and Tyler too" were most popular in Cincinnati, near where the candidate for President lived in his "log cabin" at North Bend. The lawyers of the old court house were all up in arms in the contest, and there was not a one of them, who was not engaged more in politics than the practice

of the law, for the exciting time being. Some of them became much interested in having a Tippecanoe and Tyler banner hung out to the breeze, not on the outward walls of the old court house, but from the very pinnacle of its high steeple; and the thing was, to get a man to do the thing. The pinnacle was just one hundred and sixty feet high, and the pole of the steeple must have been at least sixty feet in perpendicular length. Hunting and hunting around the city, at last an old salt sea sailor by the name of not Andrew—though quite as indomitable—but John Jackson, was found, and he promised to climb the steeple, and pin the banner on the pinnacle. A day and particular time was appointed, and a great whig mass meeting was held in the old court room, and around and about the old court house; and after the speaking of the politician lawyers was through, the sailor, John Jackson, with great banner in hand, appeared upon the roof of the old court house amid the wildest acclaims of the vast multitude of whigs and democrats. He went into the cupola—appeared again with banner on its roof, with the same wild applause from the multitude, and started to climb, and did climb to the very pinnacle of the steeple, and pinned the flag there, and there left it, floating in proud triumph, to the winds; and oh! what a shout, what a shout! Jackson descended, and, with the old court house, became—in glory—inmortal as the hero of New Orleans!

HABEAS CORPUS AND THE ASSOCIATES.

I want to tell an incident that occurred in the old court, particularly in reference to Judge Bob Moore, of Green township, and the prosecuting attorney in the old court house. For some long course of time during my

first term in office as State's attorney, I was much troubled and vexed by the number of prisoners *let out* of jail, who had been committed there by the justices of the peace of the city and various townships of the county, and the mayor of the city, for offenses and misdemeanors, to await the action of the grand jury on their cases, on proceedings in *habeas corpus*, the great constitutional writ of right and liberty. But it used to be most terribly abused by two of the associate judges particularly, and sometimes the three, and persons were let go who were not morally, justly, or legally entitled to the benefits of the writ. They were sometimes released on the most technical flimsiness, and the fact used to occasion the prosecuting attorney a great deal of trouble and vexation. Moore, Wiseman, and Saffin used to be the associate judges of the court, and, being paid no regular salary, they were allowed so much per day, a small sum, for every day of the year that they were engaged in actual service on the bench. In cases of *habeas corpus*, by a foolish law passed by our legislature, in every case of *habeas corpus* where the defendant, or rather the applicant for the writ, was set at liberty, they could get a six-dollar fee, which was generally paid in advance to the judge by the applicant, in full *conviction* that he would *not be convicted*, but would be let go, scot-free. This payment of fee so large, in advance, perhaps was attractive to the poorly-paid associates, and they were sure to pay immediate attention to any case of *habeas corpus* that might be instituted before them, and were pretty sure, also, to let the applicant go out of prison if there was any possibility of excuse, legal or otherwise, for it. In this way many prisoners were let out of jail, who were afterwards indicted by the grand jury, and when the prosecu-

ting attorney called upon the sheriff or jailor for them, they were not to be found—*non inventi sunt*. The *habeas corpus*, as conducted before the associate judges used to be an entirely *ex parte* proceeding and the prosecuting attorney was seldom or never informed of it, either before, by way of notification, or when the matter was going on. Judge Bob Moore was distinguished for letting prisoners go out of jail on *habeas corpus*, and the State's attorney frequently expostulated with him, in court and out of court about it, but it made no difference—apply to Judge Moore for a writ of *habeas corpus*, and pay him the advance fee, and the writ would be sure to go, and the prisoner, too, and the judge, three.

One day, in the first of the term of court, the grand jury having made a report of a batch of indictments, the prosecuting attorney was proceeding to duly arraign the prisoners who had been indicted, to have their several pleas entered of "guilty" or "not guilty." Some eight or nine prisoners had been arraigned in the prisoner's box for various offenses, and had entered their pleas of "not guilty," when the prosecuting attorney came to an important indictment against Edward Manly for forgery and counterfeiting, and he said to the sheriff, "Call up Edward Manly."

Sheriff—"Edward Manly, stand up."

But no Edward Manly stood up. *There was no Edward Manly there, to stand up.*

Prosecuting Attorney—"How is this? Mr. Sheriff, where is Edward Manly?"

Sheriff—"He is out on *habeas corpus*, as I am informed by the clerk of the court." (The clerk did so inform the sheriff, in his—the dilemma.)

Prosecuting Attorney—"What judge of this court

let him out, Mr. Clerk, on *habeas corpus*, if you please?"

Clerk—"Judge Robert Moore."

At this, Judge Moore, with the presiding judge and his brother associates on the bench, looked as if he was somewhat—some little—embarrassed, but he imperturbably said aloud: "I released the prisoner yesterday on proceedings in *habeas corpus*, instituted by and before me, as I was legally bound, in justice and in law, to do."

Prosecuting Attorney—"Will your Honor, or Judge Moore, please signify to the State's attorney the reason of the discharge of the prisoner from the jail, on *habeas corpus*?"

Judge Bob (a little nettled)—"Most willingly. The prisoner was discharged from jail on proceedings in *habeas corpus*, instituted before me, because the *mittimus* or commitment from the magistrate did not designate on its face, *what kind of bank* notes the prisoner had counterfeited."

Prosecuting Attorney—"Was that legally necessary to be incorporated in a *mere* mittimus of a justice of the peace?"

Judge Bob—"The court was clearly of the opinion, at the time of the proceedings in *habeas corpus*, instituted as aforesaid, that it was absolutely necessary."

Prosecuting Attorney—"How so, may it please your Honor?"

Judge Bob—"How so? Why, the *mittimus* did not read what *kind* of a bank the counterfeit note was on. There are various kinds of banks, and it might have been a *sand* bank."

Prosecuting Attorney—"Was your Honor at the circus night before last? I believe I saw you there, and you were interested in the clown, Sol. Lipman, who told

the story to his ring-master, that he owned a bank, and when the master asked him what kind of a bank it was, he replied a *sand* bank, to the infinite amusement and loud laughter and applause of the numerous spectators, among whom I pleasantly recognized Judge Robert Moore especially delighted. If the clown of a circus is authority in this court, I would like *timely*, to be aware of it. If the reports of wise Solomon Lipman, of Rockwell's circus or circuit, are to prevail in this court house as precedent and authority, it is high time for the State's attorney and the lawyers of this bar to know it. It is high time for us all to enter the *arena*."

The court were so amused at the sally, that they did not stop the prosecuting attorney, and Judge Moore, not a whit discomposed or decomposed, took the matter good naturedly and laughed with the rest. But the prosecuting attorney—*he was mad*.

LAWYER DEMPSEY AND ANIMO FURANDI.

In my recollections I must not forget little lawyer Dempsey. His first name I do not recollect. No matter; he was Dempsey, and nothing but Dempsey, for his peculiar characteristics could not belong to any other. He was Dempsey, by himself, at all times, all through, and all over. He was diminutive, sanguine, nervous, and wiry, a very dapper little fellow. He was thin and cadaverous, and on the top of his head he wore his flaming mountain of prickly, sticky, thorny, brick-red hair, which stuck out on all sides of his head and the sides of his face, and made him, when he was speaking, with his swift and rapid motions of head, legs, and arms, remind you of a comet or meteor in full glare, blaze and blast. His ability was not high, not gorgeous; not as brilliant as

his prickly, thorny hair, and for this reason, though he made a peculiar shining mark as a lawyer, he never made a profound legal re-mark in court or anywhere. He was not qualified for the higher walks of the law, though in a burlesque sense he was well qualified for the lower walks of the dram-ah! He confined himself in his practice to criminal cases before the courts, and civil cases before justices of the peace. He was not a scholar, a classical scholar, or a profound scholar, or any kind of a scholar. He knew not the Latin tongue, "not a touch of it," and was bothered with the Latin phrases of the learned law, as the following will well manifest.

Dempsey was employed to defend a prisoner who had been indicted by the grand jury for "stealing, taking, and carrying away" a pair of shoes or brogans, the property of a certain shoemaker, and the trial was set and came on a certain day, before the court and jury. The witnesses for the State and for the defence were duly examined. The evidence for the State was plain and direct, and plainly convicted the prisoner of petit larceny, for which he was indicted. What should Dempsey do? He had prepared his testimony, and he called his witnesses to prove that his client was drunk—so *drunk* as he himself was fain to believe, that he did not know what he had been about in the appropriation to his own use of the aforesaid pair of shoes, the property of another. He did prove by the prisoner's witnesses that he (the prisoner) never was a sober man, and this was sufficient for Dempsey, as he exultingly thought and expressed himself. The prosecuting attorney made his argument, and now it came Dempsey's turn to address the jury. He had a peculiarly shrill voice—enough to scare a fellow when in full screeching tone. He began, and he went on assert-

ing all sorts and manner of things in behalf of his client, and at last came to his great point. "Gentlemen of the jury," he shrieked, "a man can not be guilty of larceny, of stealing, without the presence at the time of committing the aforesaid deed, of *any more fury andy*, as the law books have it, *without any more fury andy!* WITHOUT ANY MORE FURY ANDY!! Without the fury and— and animosity against the proprietor and owner of the goods, requisite and necessary to constitute a felony in the meaning and celebrated language of the books. For this, may it please the court and gentlemen of the jury, I have great and large quantities of precedents, and I could cite before you volume after volume of the highest and most eminent authorities of law and jurisprudence. No, gentlemen of the jury, *any more fury andy*—*any more fury andy*, there was not *any more fury andy*, when my client took those aforesaid pair of shoes—he was too drunk to have *any more fury andy*. He had lots of the fury animosity of furious whisky, no doubt, but who is free from that? 'Let him that is without sin cast the first bowlder,' and answer me that, gentlemen of this most intelligent and respectable jury! There was lots of whisky, but there was not *any more fury andy*—not any more—no furiousness! it was all whisky!"

And Dempsey sat down in triumph to himself, but not to last for a long space of time, for the jury were out only a few minutes when they brought in a verdict of "guilty," and Dempsey and his client, and his red hair, and his "*any more fury andy*" wilted, and he left the court, leaving his left and cleft client to his fate and his sentence to the chain-gang, as was customary in those days.

It will be remembered by those out of the law, as

well as those in it, that as the law authorities say, and good common sense says too, a man can not be guilty of stealing without at the time of "taking and carrying away," he has the felonious intent. He must do it with a mind of stealing—" *animo furandi*," as the Latin law term has it—and this " *animo furandi* " was the phrase that much bothered our friend Dempsey. He would much rather have it in English—and so he went on in his speech, producing conviction in the minds of the jury of the necessity of the conviction of his poor client.

PERRY & STUART—DODSON AND FOGG. THE
NOBLE PERRY!

Standing in the catalogue of small-fry lawyers there were others than Dempsey of early days. There was Toby Stuart, there was Cunningham, there was the noble Perry, not he of naval fame, but he of somewhat novel fame. Dickens must have seen him when he visited this country, and our court and bar, and wrote his "Dodson;" and he saw also Stuart and he wrote his "Fogg," and as Perry and Stuart were partners in the law, and constituted a firm, so also were "Dodson & Fogg" partners, and constituted a celebrated firm. This sort of men will always belong to the bar; and why not? Are they not representative? Have they not clients, and do they not *represent* them? What would poor, low law humanity do, without these "*shysters*," their representatives? Indeed, they are a necessity, and do a great deal of good, if they do once in a while some little harm. I have a remarkable instance in mind of the good the *shyster* can and does often accomplish. A long while ago a poor devil, arrested for mere assault and battery, was committed to jail by one of our justices of the peace, in order

that his case might go before the grand jury for indictment. Well, grand jury after grand jury met and adjourned, and the poor prisoner yet remained in jail, and there he remained in close confinement, wholly deprived of his liberty, for the space of a whole year, and all this owing to the inadvertence and neglect of the then prosecuting attorney and other officials. Here was this poor unknown man then, for a whole year suffering in the bars of a loathsome prison on the mere charge of assault and battery, all on account of *the want of a lawyer* to attend to him and his case. Lawyer Perry, senior of the distinguished firm of Perry & Stuart—"Dodson & Fogg"—was making his customary perambulations among the multitude of prisoners, through the corridors of the jail, looking for a case and a small fee. He came, by merest accident, across the poor, insignificant, unknown, and lone man, and Perry addressed him :

"Well, my friend, what are you here for?"

Unknown—"Well, I reckon I don't know. I have been here just one year and one day, and I'll be blamed if I can tell what I am here for." (Of course the prisoner had counted the days, the hours, and the minutes, perhaps.)

Perry—"Have you got any money?"

Unknown—"No! [showing his more than empty pockets], and that is the reason, I reckon, they keep me here."

Perry—"Well, have you got anything?"

Unknown—"Yes, I have got this 'ere old watch and key [pulling them out—an old brass watch and a brass key—of an old watch-fob and showing them to Perry] and I have wound her up every night, and she keeps mighty good time, I tell you." (All this long time that

poor victim had nothing else to do, perhaps, than attend to that watch, his old and only companion.)

Perry—"Let me see it. [And he took the watch and key into his lawyer hands.] I will tell you what I'll do. If you give me this as my fee, I will get you *out* of here."

Unknown—"How can you do that?"

Perry—"They can't put you in jail and keep you this way, for nothing."

Unknown—"Well, I'll be d—d if they have n't got me in jail, and I am still here, by thunder!"

Perry—"True; I am a lawyer, and I will get you out, if you give me this watch."

Unknown—"Well, I hate to part with it; (this was said tearfully,) but if I must, I must, that's all! So take it."

Perry took the brass watch and brass key, and armed with brass, out of the jail he went right to the prosecuting attorney's office and immediately laid the whole grievance of his long ill-treated client to the good-natured, though sometimes hard-hearted (apparently so), prosecuting attorney. He went over to the jail with Perry; saw the man; heard his story; inquired into the matter from the jailer, and seeing that all was as had been stated, he ordered the immediate release of the prisoner. The prisoner donned his coat and hat, and with his now and new companion and friend, Perry, he started out, and quickly got clear of jail, and being clearly out of limbo, out of pure and human and humane sympathy, lawyer and companion and friend, Perry invited him to the nearest coffee-house to take a drink to celebrate his own triumph and his client's day of deliverance. So much for the good a "*shyster*" can, and did

do. *There is none so poor among us, but who is capable of good.*

THE OLD COURT OF COMMON PLEAS AND THE
IRISH LAWYER.

The old Court of Common Pleas had a singular and peculiar Irish attorney at the bar, who, like the Irish Galway barrister in the play, gave the Court a good deal of botheration, though he knew little or no law. Right or wrong, he was always for success, and he believed in the philosophy of the saying, that to succeed you must have success, and he frequently regarded the law itself as much interfering with his prospects, and hopes, and realizations in this regard. He, for the sake of forwarding his case and his success, was much in the habit of flattering or blarneying the "Coort," as he called it, in his peculiar Erin-go-bragh style and method. On one occasion he was more than anxious for success in his case before the court, and he thus concluded his speech :

"And now, may it please this *erudited* Coort—this learned and *erudited* Coort, this more than learned and *erudited* Coort, I rest the case in your learned and *erudited* hands." The Court took the papers and decided the case immediately, and right spank against the blarneying Irish attorney, who, in his rapid and readily determined successful defeat, exclaimed : "*What a Hill of a Coort!*" and left more in anger than in sorrow, the precincts of law and justice.

THE OLD COURT AND "CÆSAR MOONEY."

Cæsar Mooney was as black as the ace of spades, but did not deal in the use of spades for a livelihood. On the contrary, ostensibly, he followed the occupation of a

local preacher or exhorter—and he had another occupation, and that was stealing hogs in, and about our streets. As I have said in speaking of the cunning and curious hog-thief, Wiley Edwards, the streets and alleys of our city, in the days of the old court house, were highways and by-ways for the hogs and pigs, and none so free as they in walking about—seeking what, if not whom, they might devour. Well, Cæsar Mooney, the colored preacher and exhorter, used to carry a pocket-knife, and every stray hog or pig he might happen to come across, particularly in the night time, he would pursue and catch for a moment, and mark his ear or ears with his own favorite clip, cut or cuts, and then assert his claim of ownership over the hog or pig, in due time. Of course, he was frequently caught at these clipping tricks, and was frequently indicted for petit larceny, and tried, and sent to the chain-gang; but so soon as his term of imprisonment at hard labor was out, he was sure to go at his old occupations again, preaching and hog-stealing. Like Wiley Edwards, his compeer and contemporary in the matter of stealing hogs and pigs about the streets, he always contrived to steal below the value of *thirty-five* dollars, so as not to be at any time sent to the penitentiary for grand larceny. But at last, in this regard, he was disappointed and unfortunate. He was indicted for stealing *three* hogs at one time, and, being tried, the jury convicted him, and assessed the value of the property stolen at *thirty-seven* dollars, which was, of course, a conviction for *grand* larceny, and was to consign him, at last, to the penitentiary for a term of years. In the criminal department of the Court of Common Pleas, sentence day for the criminals who had been convicted during the term came on, and among the prisoners to be sentenced to the peniten-

tiary was our colored preacher and exhorter, Cæsar Mooney. At last, the sheriff called out, "Cæsar Mooney, stand up," and in the prisoner's box, a tall, gaunt, raw-boned, jet-black darkey stood up, almost to the ceiling, for sentence. The court, or presiding judge, remembering well how often Mooney had been tried and sentenced for *petit* larceny, in stealing hogs before, took occasion to observe, "Well, prisoner Cæsar Mooney, you seem to have been convicted of *grand* larceny this time, and we, it seems, according to law, will have to send you to the penitentiary. Have you anything to say why the court should not proceed to sentence you?"

Prisoner—"Well, de fac' am, I must hab made a big mistake dis time; I didn't know dem hogs were so durn valuable; I tink de jury made a big mistake in waluing dem so durn much, an' de witnesses, too! Dem hogs was not worth more dan ten dollars apiece, any cum how."

Judge—"We will have to send you to the penitentiary, Mr. Mooney. You, Cæsar, *scized* too much this time. The hogs were valuable hogs—worth more than ten dollars apiece. It does seem to us that you are, in regard to this matter of hogs, afflicted with *kleptomania*."

Prisoner—"Well, boss, dat am a fac'. I did *clip* too many dis time! Dat am a fac'—shuah! I done clip too many."

Judge—"No; you have a *mania* for hog-stealing, it seems to us."

Prisoner—"Well, I does believe I has done stuck too many dis time, any cum how."

Judge—"We mean that you are *insane* upon the subject of hog-stealing. You are, in this respect, a *lunatic Mooney*."

Prisoner—"Yes, bress de Lord, I be a *lunatic* Mooney, shuah! an' I guess you better put me in de *lunacy 'sylum*. I will be glad to go dar right away, dis time, 'stead of goin' off to the penitentiary."

Judge—"But we cannot so oblige you. Mr. Cæsar Mooney, the sentence of the court is, that you be confined in the penitentiary of this State for three years at hard labor."

Prisoner—"Bres de Lor'! *One whole year a piece fo' dem tree durn hogs dis time!*"

And Cæsar Mooney had to sit down by the command of the sheriff, and afterwards give the hogs and pigs of Cincinnati a rest of three years from his depredations—of such a peculiar and particular hoggish and piggish sort and kind—and the colored bruddern and sistern a long respite from his sermons and exhortations of such a peculiar and particular grunting and squeaking sort and kind, without a doubt.

YOUNG LAWYER COLLINS AND HIS PROJECTED DUEL WITH THE PROSECUTING ATTORNEY.

In the days of the old bar and the old court house, he, who was so fortunate or unfortunate as to be elected prosecuting attorney, used to have a pretty severe time of it. He was sure to be pitted at and pitched upon in the trials of the criminal department of the Court of Common Pleas, by all the young lawyers particularly, and the old ones in general. There was one prosecuting attorney in my memory, who was completely run out of office and reputation by the legal, foxy tricks and wolfish savagery of the lawyers. They seemed to have combined together all against the poor public prosecutor, and he lost nearly all the cases that he tried before the court, and this quite,

on account of the legal conspiracy of lawyers against him ; they gave him no peace or rest. They successfully found faults and picked flaws, in all his indictments, so that every —almost every—criminal got off. These repeated and repeated defeats scared the prosecuting attorney out of office, and he was not a candidate before the people again. Sometimes, when some of the young lawyers did *not* succeed against a prosecuting attorney, they would get personally mad at him, and try to provoke him to all manner and sorts of things, *even to fighting a duel!* Young Lawyer Collins, a youngster of much ability and talent, and a partner of the then young George E. Pugh, once lost an important criminal case by the verdict of the jury, and he got so infernally mad about it, that he challenged the prosecuting attorney to fight a duel, and the prosecutor being a young man of courage and pluck, would have accepted it, but for the intervention of mutual friends, who persuaded Collins to withdraw the challenge. One of his particular friends, Bob Warden, went to see Collins privately, and have a friendly confidential talk about the matter. “Now, John,” said he, “it was not the prosecutor’s fault or offense, that you lost that case ; you had too much Bourbon aboard when you were trying the case, and let me tell you more for your private ear—it was whisky and not John Collins, that sent that challenge to the State’s attorney, and as whisky sent the obnoxious missive, John Collins must withdraw it ;” and John, wisely recognizing the *fact in full*, withdrew the challenge, and all was quiet on the pot-o’-muck ! stirred up by young Collins—or his whisky - *straight*—or *crooked!*

THE RED PEPPER MASS MEETING AND THE LAWYERS
CONCERNED IN IT, IN THE OLD COURT ROOM
OF THE OLD COURT HOUSE.

The talented lawyer and intellectual orator, William M. Corry, recognized as a distinctive leader once of a part of the democracy of the county, together with the accurate and accomplished speaker, Ellwood Fisher, and the powerful and smashing stumper, Jacob Flinn, some time in the winter of 1842-3, got up a mass meeting of the democracy in the old court room of the old court house, for the purpose of opposing the nomination of David T. Disney for the State senate, and the regularly-nominated ticket of the Carthage Democratic Convention, generally. Now, the call and the mass meeting were very distasteful and absolutely obnoxious to the regular democrats, and they, with the dissatisfied, assembled by thousands in the old court room, occupying floor and overhanging gallery, and did everything they could by groans, hisses, and cat-calls, to disturb the orators and break up the meeting. But the orators manfully stood their ground, or rather the bench of the old Common Pleas from which they spoke and like Banquo's ghost would not down, at any common thing. Intellectual orator Corry was speaking, and he began, in the midst of elegant and eloquent sentences—to cough and sneeze, and sneeze and cough. Then the president and the vice-presidents and the secretary of the meeting all began to cough and sneeze and sneeze and cough, and then Ellwood Fisher, who was ready with a great speech, and then Jake Flinn who was always prepared to thunder, coughed and sneezed, and sneezed and coughed, and then part of the audience joined in, and finally the whole audience was earnestly engaged

in a general fit, or particular fits of coughing and sneezing, so that all things else stopped—orator, eloquence and all, to join in the great fact of coughing and sneezing then overwhelmingly triumphant; and, at last, the fit and fits of the orator, the officers and the people became so extraordinary that nothing else could be done for peace and quiet, than to break up in a row. And the row incontinently occurred; and there was now coughing and sneezing, and profanity and profanation, and fits and fists and fisticuffs, until everybody was cuffed, buffeted, and scattered out of the court room and out of the court house, for very safety of life and limb. Now, what was all this—the great, first great cause of all this? Why, simply this and nothing more. It was a very cold night, and there was a blazing, roaring fire in the huge stove right under the outside of the gallery, and some one or two or more of the regular *Bourbon* democracy from the gallery had cast quantities of *red pepper* down upon the red-hot top of the huge, rectangular, old-fashioned stove; and this was all there was of it—but it was enough! This celebrated mass meeting was ever afterwards called the RED PEPPER MEETING, but what was very curious, you could never find any citizen of Cincinnati who had been personally present at the meeting. Everybody seemed to know all about it, but there were no witnesses to the *corpus delicti*.

THE VISIT OF THE AUTHOR, CHARLES DICKINS, TO THE
COURT ROOM OF THE OLD COURT HOUSE.

I shall not forget the visit of “Boz” to the old court room of the old court house. He had arrived as the guest of Judge Timothy Walker, in our city, and Judge Walker being a lawyer, walked the veritable Englishman,

greatly to his credit, into our court room to show him how things were conducted there. This was in the year 1843. I was a young lawyer, and having been a law student of the judge, I was introduced to the great author. To me then, he appeared like a pale, thoughtful, melancholy young man—and I remember how I wondered that such a melancholy and misanthropic looking man could have been the author of the *Pickwick* papers. In respect to him, the old court took a recess, and then, of course, there was much hand-shaking, salutation, and gratulation, and congratulation, with the Dickens and members of the bar. It was remarked by some facetious limb of the law, “that lawyers had often been falsely or truthfully accused of cavorting with the devil—now there was proof of the slanderous profanation, for the lawyers had the *Dickens* with them, and were treating him and with him, like a prince.” Judge Walker was evidently in his glory with his guest—showing him around—and the judges and the lawyers were gratified to salute and take by the hand the man who had created those eminent lawyers—Sergeant, Buzz-fuzz, and Dodson & Fogg, so like themselves. This visit of Charles Dickens to the old court and bar was a memorable one, and properly deserves a place in reminiscence.

LAWYERS CHARLES H., AND JOHN BROUGH.

We have had occasion before, to mention judge Charles H. Brough. He and his brother John were comparatively early lawyers here, and somewhat important personages. They were, I think, born and reared in Marietta. From thence went to Lancaster, and became joint editors of the *Ohio Eagle*. They then in the winter of 1840-41, after studying law, came to this city and

bought out the newspaper—the Cincinnati *Advertiser*—from the venerable Moses Dawson, and changed the name to the Cincinnati *Enquirer*, which still lives and flourishes as such. Both editors, lawyers, and politicians, John became auditor of State, and, in 1842, Charles was elected prosecuting attorney of this county, and a hard, diligent, and vigilant prosecutor he was, too—if anything, too vigilant, too desirous and active, for conviction of poor devils, whether or no. At the breaking out of the Mexican war, Charles raised a regiment, and became its colonel and, fighting gallantly, returned from the war with much distinction and glory, and was then, by the Legislature of our State, made presiding judge of our old Court of Common Pleas. In 1849, while serving on the bench, he was unfortunately and most lamentably the first victim in this city of the dread cholera, which, immediately after his decease, became epidemic here. He departed this life in the midst of his notable career, having won much success, honor, and distinction.

In my memory I know of no one, who, in his eloquence, particularly in stump speaking, was so very attractive as John Brough. He had a ringing tenor voice, as clear as a bell, and a fluence of words like the flow of a beautiful river, and the matter, as well as the manner of his speech, was always attractive and interesting. Clear back in 1842, I remember his first appearance here as a public speaker, when he made a democratic stump speech just before the Exchange, on the wharf on Front street, having before him thousands of people, and his voice was so loud, ringing and clear, that he gathered a large audience on the bank on the other side of the river, in Covington, who, hearing him so plainly, were interested throughout his whole speech, and frequently applauded his re-

marks over the river. The night was bright moonlight, and the atmosphere pure and beautiful, thus lending, of course, a great help to his clear, melodious, clarion voice. I spoke that night, myself, as a young stumper, after Mr. Brough, and well do I remember my own loud voice, too, reaching with ease, the large audience on the other side of the river, which had been collected by the ringing tones of John Brough.

Charles Brough was also eloquent, though his eloquence was rather in the sober, serious, pregnant matter than in the manner. Indeed, his manner was by no means agreeable, as lawyers used to too well know, who had to deal with him as prosecuting attorney. John was fat, fair and forty; Charles was long, gaunt and younger, and really awkward in his way; but, for all that, he was strong and powerful. He plodded, where John roved and ranged, but, after all, was a more reliable person, perhaps, in every regard, than his more eloquent brother. As a prosecuting attorney, Charles was notoriously hard and severe, and woe to the poor devils who got once in his clutches. There was no mercy for them. This, however, he himself used to say was altogether "official." Lawyers at the bar, however, were frequently astonished at hearing the prosecuting attorney declare, in his State speeches before the jury, and this with a peculiar nasal twang, "*If the prisoner is not guilty, why don't he prove his innocence—why don't he prove his innocence?*" The only reply that his opponents could give to this was a *vice versa*, "*If the prisoner is not innocent, why don't the prosecutor prove his guilt—why don't the prosecutor prove his guilt?*"

But the Broughs were good lawyers, good politicians, and good men, and I must not forget to relate, though it

much concerns myself, this particular remembrance of mine, of the magnanimity of Charley Brough as a democratic politician and a man. Mr. Brough, having served one term of two years as prosecuting attorney, from 1842 to 1844, was a candidate for renomination by the democratic convention at Carthage of those days, and reëlection by the people. I, *young*, ambitious fellow that I was, was his opposing candidate for nomination, and came within just three votes of beating him at the convention. The next term I was again a candidate before the Carthage convention for nomination as prosecutor, against many—I believe, seven—aspiring opponents, and I beat them all, and got the nomination, and was elected by the people; and for this favor, so much sought after by me in those ambitious times of mine, I was much indebted to my political and personal friend, Charles H. Brough, who, magnanimously withdrawing in my favor, did everything he honorably could for me as editor of the *Enquirer* newspaper, and as a politician and as my personal friend. I will ever keep, in green memory, the name of Charles H. Brough.

HOW JOHN BROUGH WAS ADMITTED TO THE BAR.

John Brough was already famous as a politician and an extraordinary stump speaker, and as auditor of the State of Ohio, and as editor of the Democratic newspaper, the *Cincinnati Enquirer*, and all that, and he wanted now, if practicable or possible, to be admitted to the bar—to practice law. He had not studied the law a great deal, but for some two or three years he had been looking, ever and anon, into the books, and he applied to the old Supreme Court, then sitting on circuit in Cincinnati, to be made a lawyer. This was in the year 1845, and

the court appointed as the committee of lawyers to examine John Brough, three distinguished members of the bar, to-wit: William R. Morris, Samuel M. Hart, and Ben Fessenden; and all parties being then present in court, they called John Brough and took him out into the court house yard under the locust trees, and leaned him up against one of the trees, and immediately commenced proceedings.

“Fire away,” said John.

And then Ben Fessenden, first of the examiners, interrogated with emphasis, “*What is law, any how, Mister Brough?*”

John Brough—“Well, d—d if I know, but I do know where we can all get a good glass of old Bourbon.”

All the Committee—“Where, Mister Brough, where?”

Brough—“Come, we will go get it.”

All—“AGREED!” (very emphatically.)

They all went over to the McFarland Hotel, back of the court house, and got the very fullest supply of the best old Bourbon from mine host, and John Brough was duly certified to, and, BECAME A LAWYER, and a good one into the bargain!

JOHN BROUGH CALLS A STRANGE WITNESS.

John Brough was totally unlike his brother in appearance, in character, in everything; but he too, was a successful man, and finally, during war times, was elected Governor of this State. His career at our bar was not a long one, nor a very brilliant one, as he was too much engaged in politics; and he certainly was *one of the best stump-speakers* in the political arena. His practice at our bar was mostly in criminal cases, where his remarkably bright and glowing eloquence was very available,

and before a jury on behalf of his clients, he spoke with great power, although it seems he did not entirely rely upon that.

On one occasion he was the means of acquitting a prisoner of the charge of murder in the second degree. It was the case of the State of Ohio *vs.* John Cochran, I believe. The State made out a very plain case of murder, but to the amazement of everybody in the court, John Brough called a witness— a total stranger to everybody, who made for the prisoner, by his lying testimony, as afterward proved, a complete case of self-defense. The prosecuting attorney was taken aback completely by this peculiar and singularly strange stranger witness, and although he inquired of every police officer about court, he could learn nothing about him, and had to resort to a severe denunciation of him as a strange liar and a perjurer. Brough called for the protection of the stranger and strange witness by the court, which was afforded ; but the prosecuting attorney took occasion to say that if the witness remained in this city long enough he would predict, that he would have to send him to the penitentiary for some crime or another. The prisoner was acquitted on account of the reasonable doubt made in the case by this perjured witness called to the stand, by lawyer Brough. But this was not all, for at the very next term of the court, this same and veritable (?) witness, remaining in the city as he did, undoubtedly because he could not get out from want of means, was indicted, tried and convicted of larceny, and sentenced to the chain-gang.

JOHN BROUGH BEATEN BY A DARKEY WITNESS.

On another occasion, Lawyer John Brough was engaged in defending a mulatto by the name of William Perkins, indicted for murder in the first degree, for killing a fellow-workman in a Deer Creek slaughtering establishment, "purposely and of deliberate and premeditated malice," with a large butcher knife.

The evidence for the State was simple and plain against the prisoner to convict him of murder, and among the State's witnesses was an old, gray-headed, curious looking and curious behaving darkey, black as the ace of spades, who answered to the great and grandiloquent name of George Washington. His evidence was peculiarly strong against the prisoner, and now, in the cross-examination, Mr. Brough, for his client, desired to weaken it by throwing, if possible, ridicule upon the old, curious negro, and make him the subject and object of laughter, and so he began :

"So your name is George Washington?"

Witness—"Yes, sah, dat be my 'pellation."

Lawyer B.—"Where did you get that name or 'pellation?"

Witness—"Way down in ole Virginny, sah."

Lawyer B.—"From whom did you get it?"

Witness—"Well, now you hab me, boss. I s'pose I tuck it from my fodder, or p'rhaps my mudder gib it to me, sah. Dunno."

Lawyer B.—"Are you a son of General George Washington, the father of his country?"

Witness—"Well, I 'spec I be. If he was de fodder of all dis country, he must hab been de fodder of de black folks as well as de fodder of de wite folks; and as I be

one of dem black folks, he must hab been my fodder as well as de rest. So I guess, boss, dat I be a 'scendant in de perpendicular female line from de ole cock, any cum how."

Lawyer B.—"Don't you know that the great George Washington never told a lie?"

Witness—"Dat's what 'um say, and in dis 'ticular I much 'sembles him, fo' I nebber tole no lies in de whole *curse* of my bressed life, sah."

Lawyer B.—"So you think you resemble General George Washington, do you?"

Witness—"Je' so; I tole you I 'sembles him in de 'ticular 'fo'said. I'se no gin'ral, howsumdever, I'se no malitious feller."

Lawyer B.—"And so, like your illustrious namesake, you tell no lies?"

Witness—"I dunno what you mean, boss, by de fust of you' remahks, but I know I don't tell no lies, any cum how. No, sah!"

Lawyer B.—"And you have told no lie about this case—haven't you?"

Witness—"Why, bress de Lord! no, honey, no! I'se tole nuffin but de whole trufe."

Lawyer B.—"Couldn't you have made some *mistakes* in your testimony?"

Witness—"Dunno 'bout dat. We all be po' sinners here below, an' I'se one of dem fellows here below, shuah—an' I'se a sinner, shuah."

Lawyer B.—"And you might, then, have made some mistake, eh?"

Witness—"Well, now, cum to dat, I tink dat I have spoke de trufe, de whole trufe, an' nuffin' but de trufe,—shuah, no niistake."

This course of examination of the old negro, Mr. Brough now wisely thought was not doing much for his client, so he concluded that he would not pursue it further, but would proceed to examine the witness to make out from his testimony that the homicide was not done purposely and of *deliberate* and *premeditated* malice; that it was done so suddenly that there was not time for that.

Lawyer B.—"You are a good witness for the State, Mr. George Washington, and I want to call your attention to the facts."

Witness—"Tank you, sah, fo' de compliment; but you can't fool dis niggah. I'se great on de fac's; I knows dem all frustrate, sah."

Lawyer B.—"Please state how long time elapsed between the act of Bill Perkins' throwing the knife over the table at the body of the deceased, and the deceased's calling Bill Perkins a d—d scoundrel and liar. Be particular about this."

Witness—"Well, boss, I didn't have no watch or time-piece—I'se not able to carry one. And if I had one at such a 'larmin' time, I shouldn't looked at it to count de minutes an' de seconds; but if my memory be jes' so, it be my 'pinion dere was quite s'ficient time 'tween times fo' dat murderin' Bill Perkins to *demeditate* and *preliberate*; dere was plenty of time, in my 'pinion, fo' murder in de fust degree to be hatched out."

It seemed, then, that the colored witness was posted in the law in his peculiar way, and Mr. Brough thought it high time to dismiss him from the stand, as he was eliciting nothing favorable from the gray-headed darkey for his client, and so he said:

Lawyer B.—"We don't desire your legal opinion, Mr. George Washington. You're no lawyer. You may leave the stand."

Witness—"Bress de Lord, I'm not one of de per-fession. I wouldn't tell as many lies as dey do, for de whole world. Tank you, sah; I be glad to gib up my place to de next gemman."

And so the old man got down from the witness-stand quite satisfied for the while, but Mr. Brough's eloquence succeeded, notwithstanding the heroic and untamed opposition of "George Washington," in saving the neck of his client from the halter, as the jury returned a verdict of murder in the second degree, to the total discomfiture of the aforesaid colored witness, who wanted Bill Perkins hung, and the joyous triumph of his cross-examiner, who wanted his neck saved and succeeded, by his eloquence perhaps, in getting it saved.

SOME REFLECTIONS ON CRIME AND CRIMINALS.

Crime exists in classes, and criminals exist and subsist in classes, so that those empirically and scientifically experienced, as judges, prosecuting attorneys, police and detectives, are enabled to classify crimes into genera and species, and criminals into genera and species. So much so is this the case, that, given the commission of a certain kind of crime, and those experienced specially as police detectives, can tell almost at once, what particular class of criminals have committed it, and pursuing their peculiar methods through the ramifications of this class, they can generally find out and lay their hands on the very fellows who committed the crime. This is the reason that detectives, good and efficient ones, are so generally successful in ferreting out the perpetrators of crime. It would seem something too much for any one single person to be engaged, continually and professionally, in the perpetration of all manner and kinds of crime. It would require too

much comprehensive and universal genius and talent, so that, for the most part, one person engaged in crime, generally confines himself to the perpetration of one class of crimes. The murderer, that is, *one who kills a fellow-being purposely and of deliberate and premeditated malice*, from motives of mean gain or revenge, or mere wantonness or "cussedness," in some sort may be capable of any other particular crime ; but you will find even such a one limited in his capacity and practice. Such a one may have been, or may be, a burglar, a robber, a thief, but you will not find that he has been or is a forger, counterfeiter, or any of that class, where *peculiar* ability or talent is requisite. The fact is, there are comparatively *few* murderers in the *strict* definition as we have given—murderers of the first degree. There are more of the second degree, who kill purposely and maliciously, but without deliberation or premeditation ; and there are many more who, killing from sudden passion, with, or without purpose, are guilty of manslaughter only. There are few criminals, after all, who, engaging in the perpetration of the crimes of robbery, burglary, larceny, and the like, are quite prepared for the commission of deliberate murder ; they avoid that last resort, if they can. All thieves are not burglars or robbers. Burglary and robbery require more elements than larceny—more ability, talent, and courage or bravery, personal bravery. Counterfeiters and forgers, swindlers, etc., would scorn to be burglars or robbers, or even thieves ; they generally confine themselves to the perpetration of the one genus of crime, and this genus, too, is, both in theory and in practice, divided and subdivided into species.

In the counterfeiting of bank notes, for instance, there are at least some six or seven species of criminals,

to-wit: the engraver, the printer, the forger, the wholesale holder, the retail holder, the merchant or seller, and the distributor or utterer; and it is this last class who are generally the victims only, of the justice meted out in our criminal courts. The distributors of counterfeit money or utterers and passers of it, of course, are the most exposed and liable, and generally get caught, while few of the other different species are ever found out, or brought to justice at all. In my experience as prosecuting attorney, though there were numerous cases of forgery and counterfeiting tried, I knew of very few instances of the engravers, or the forgers, or the holders being brought to trial. I remember one case only, of an engraver who was convicted. I remember but one case of the wholesale holder being brought to justice. These wholesale holders of counterfeit money were, and are generally, men of business, of good position in life, and respectability, who, like Cæsar's wife, are quite above suspicion; standing clear aloof, they hold the counterfeit money in large quantities, in secret, and dispose of it in secret to the retail holders, who, in turn, sell what they purchase to the merchants and lesser dealers, and these at last dispose of it for a profit, to those who are willing to utter and publish it to the public, buying what they can with it. Once in my experience a large and very respectable pork merchant of this city came under my official surveillance as an immense holder of counterfeit bank notes; and through the police, I was on the eve of detecting him, and having him arrested with a great trunk full of counterfeit money, but his mistress—"an angel," "a divinity," (*vide* Judge Read)—was too smart for the police—too shrewd entirely. The bird had flown, and all the counterfeit bank notes were gathered up and burned

by the mistress in the blazing stove before the police entered the room, where they expected to apprehend him and the money. On another occasion I had a prominent business man of the city carefully watched as a wholesale holder of counterfeit bank notes, but he was too cunning and adroit, and too respectable, for the police and the detective force. One holder—a hotel-keeper on Main street, in this city, was caught in possession of a great quantity of counterfeit money by detective police, and he was tried, convicted and sent to the penitentiary for a long term of years; and this is the only conviction of a wholesale holder that I remember. It is difficult, very difficult, to detect or lay police hands upon those remotely concealed holders. It will, perhaps, be of some interest to say that among the counterfeiting class of criminals the forgers, or those who write the names or other writing required on bank notes, are, or used to be, for the most part, *women*. Females seem to possess the best talent in this particular of copying signatures, and other writing, and are generally employed by the dealers in counterfeit money to do this sort of delicate job, as they can beat the men in execution and skill of imitation. Their hands and fingers are more delicate and dainty, their perceptions more sharp, and as women, they are the least liable to suspicion, and seldom or never liable to conviction. The crime of forging and counterfeiting bank notes was very rife when I was prosecuting attorney. This was because there were so many local banks of issue throughout the length and breadth of the land, all of which had notes printed and engraved, and these for the most part could be easily and readily counterfeited, and thus there was a harvest of counterfeit and forged bank notes, and a very great quantity, and many qualities

of harvesters. There was one counterfeiter of great renown throughout the country for his exploits in this direction, whom I had convicted, and who told me afterwards, that he had forged and counterfeited the notes of at least *seventy-five banks* in the different States of this union. This was Jeremiah Cowden, who had been educated as a lawyer, and who, in connection with Henry Eastman, of this county, had so successfully counterfeited the ten dollar bills of the Lafayette Bank of this city that their counterfeits were taken by the officials over the counter of the bank; and it was absolutely found difficult on their trial to prove the notes forged and counterfeited. This was very novel and singular

CRIMINALS NOT DRUNKARDS!

While in this somewhat episodic mood on crime and criminals, I wish to take occasion in some measure to *correct* an erroneous opinion made common by the enthusiasm of temperance orators and their disciples; this is, that *all criminals are given to strong drink, and that strong drink is the cause of all crime*. I full well know, that these temperance folks say they get their statistics from the prisons and penitentiaries, or profess or pretend to get them there, and predicate their misguided and misdirected assertions upon these so-called statistics. But their statistics are not to be relied upon, unless in this sense, that the prisoners *lie* to these statisticians, and they *re-lie* upon them. In my jail experience I knew of a temperance orator of this city, who orated extensively upon strong drink being the sole cause of all crime, and this was his method of gathering statistics in our jail, and I suppose in other jails likewise. He would visit the jail and the cells, and whomsoever he found a subject for his

interrogation, he would say to him, in a *leading* way: “*Prisoner, I suppose strong drink brought you here?*” The poor prisoner, glad to be furnished with a *ready-made* excuse for his present predicament, would reply, “*Oes,*” and down would go the answer on the note book of the investigator and statistician, and getting thus a “yes” from every prisoner, he accumulated a vast number of “yesses” (better *guesses*), and the result he would proclaim in his very next temperance speech, besides sending his *relic*-able statistics thus *leadingly* obtained, to every temperance journal in the land. Whereas in truth and in fact, criminals who murder, steal, rob, commit burglary, and rape, and arson, who forge and counterfeit, swindle and gamble, almost all criminals who commit crime against property, or person and property together, are necessarily from their very occupation *sober men, and not given to strong drink*. If they did not keep themselves sober, they could not ply their vocation. They must keep sober, and abstain from strong drink, or have no success in their criminal occupation. There is a class of crimes against the person only, which mostly have their origin in strong drink; these are assaults and batteries, cutting, stabbing, shooting and homicide. They originate and are aggravated by strong drink, and there are many cases of petty larceny among drunkards, who steal small things to get along with and live at all, such as sneak thieves and the like. But once for all, *our great criminals who fill our prisons and penitentiaries, are not drunkards; they can not be, and at the same time be great criminals; the one is incompatible with the other.*

A PROSECUTING ATTORNEY SURPRISED.

A prosecuting attorney necessarily has a great deal of various, curious and absolutely funny experience, and sometimes it partakes a little, if not quite, of the romantic. This romantic—serious incident occurred with me: A man was indicted by the grand jury for murder, and I duly prepared the indictment, and it was reported and delivered to the court. The prisoner was brought over from the jail, and stood up for arraignment, and while I was reading the indictment to him I recognized him, to my great surprise and astonishment, as once in bygone times, a boy on account of whose bold badness and depravity, I, myself, as a boy had predicted and prophesied of him, to one of my young companions, that he would one day come to the gallows. He was not found guilty of murder in the first degree, however, but he was found guilty of the crime of manslaughter, and sent to the penitentiary for a long term of years. When I recognized him in my arraignment of him, I was at once impressed with the prediction I had made of him a score of years before, and it was with some difficulty that I proceeded in reading the indictment. On another occasion I was engaged in reading the indictment for counterfeiting to a good-looking prisoner, on his being arraigned in court, when I recognized him as a former schoolmate of mine, and the son of one of the old citizens of this city, who in former days was very much respected, and so departed this life. The prisoner also recognized me, and it was with extreme difficulty that he could keep his erect position in the prisoner's dock, while I was arraigning him. The tears came to his eyes, and the tears came to my eyes; but official duty must be attended to, and it

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prevailed over feeling, and the indictment was finished and the prisoner pleaded "not guilty," and it was so recorded. But this was not all—my feelings were necessarily further tried. I had to do my duty for the State in the long and tedious trial of my former schoolmate without betraying my feelings, and this I did, and the prisoner was necessarily found guilty, for the evidence was plain and conclusive, and he was sentenced for a term of years to the penitentiary before my eyes, and sent to the penitentiary. This man, when a boy was so good, and so good looking, and so amiable and effeminate, that he endeared himself to all his school companions, both boys and girls, indeed, he was loved and treated tenderly by the boys, almost as a girl, and he was the last boy in the world that any one would have ever even dreamed of being one day a criminal, or a convict in the penitentiary. But so it was. I of course inquired particularly into his history as a man—having known him so well as a youth—and found out the reason of his downward course. In his young manhood he had become an excellent engraver, and was doing well in his art and trade. He married. His wife proved to be the sister of a notorious counterfeiter, and had helped her brother in his career of crime; but this was not known for a long time afterward by the victim of their wiles and coaxings. Loving his wife, and becoming a pot companion of her brother, he was persuaded to embark in the business of counterfeiting bank notes—and became the steady engraver of a band of counterfeiters extending from Maine to Louisiana. He was at last found out with the unfortunate results above detailed. Whatever became of him I know not. I heard little or nothing of him after he was in the penitentiary. The name of the latter good boy was Henry Lovejoy—

quite a loveable name, too ; the name of the bad boy about whom I so early made the doleful prediction was John Hahn—a bad name, which in his boyhood days, was a perfect scare-crow to all the boys of his neighborhood.

ANOTHER ROMANTIC INCIDENT WITH THE
PROSECUTING ATTORNEY.

I have another romantic incident to relate, in connection with my various and onerous duties as prosecuting attorney of Hamilton county, in days ago. In my days of boyhood I went to the school of Milo G. Williams, an old pioneer schoolmaster of this city, where there were, as pupils, over a hundred boys and girls, among whom of course there was a good amount of talent and ability. Of those who had much talent, there was a handsome-featured and handsome-bodied boy by the name of Edward O'Conner, who, in addition to his ability, was much liked by the boys, and loved by the girls, on account of his good, amiable disposition and character ; in fact, he was a general favorite of the pupils and the master. He was particularly distinguished for his aptness and talent in figures, and easily mastered all the rules and problems of arithmetic, and was even apt in higher mathematics. Well, this boy, Edward, like myself, grew up to manhood in this city. What occupation he had chosen for himself, or his parents for him, I do not now remember, and I hardly ever met him in our manhood. During my first term as prosecuting attorney, there was a person indicted by the grand jury for petit larceny—stealing an amount of money out of the till of a grocery store somewhere in the southwestern part of the city, and the name of the defendant in the indictment was "*Edward O'Conner* ;" but this did not disturb me at the time, and I did not think

much of it. But my surprise and astonishment took on very undue proportions, when I came to the day of the arraignment of the prisoners from the jail. Going through the batch of indictments reported by the grand jury, and arraigning the prisoners in the criminal box in the old court house, I came to the name of Edward O'Conner, and notified the sheriff to order Edward O'Conner to stand up. He accordingly called out, "Prisoner Edward O'Conner, stand up." Edward O'Conner obeyed in the prisoner's box, and did stand up, and I, the attorney for the State, looked at him, expecting to see the usual stamp of a thieving character; but oh! how surprised and amazed I was when I steadily looked and recognized the prisoner before me as the handsome Edward O'Conner who was once my school-fellow and playmate. I stopped reading the indictment, and would have gladly stopped reading it altogether, if my personal and individual feelings had been allowed to prevail; but this could not be, and I read the counts or charges of the indictment through, and with a burning tear in my eye, asked my play-fellow and schoolmate, or rather the prisoner, Edward O'Conner, to plead to the indictment. "Are you guilty or not guilty?" was the somber, ugly question propounded, with faltering tongue, by me. The prisoner, Edward O'Conner, looked at me, the officer of State, and in that officer he, too, recognized his former schoolmate and play-fellow, but the recognition seemed to have had no effect upon him—no start, confusion, or tear for him; but he answered, solidly, stolidly, and gruffly, "Not guilty." I was taken somewhat aback by this *sang froid* and *nonchalance*, but I proceeded, "Have you a lawyer to defend you?" He replied in the same tones, "No, I have no money to employ an attorney to defend me." Said I, officially, "Do

you wish the court to assign you counsel to defend you?" In the same stolid manner he replied, "I don't care what the court does." Whereupon the court spoke up and kindly advised Edward O'Conner that if it was his wish, they would appoint an attorney to defend him on the charge, and he answered that they might appoint an attorney for him. The court did appoint a competent attorney to defend him, and his case was tried in open court, but the testimony was too plain and clear against him, and he was convicted by a jury of his countrymen, of petit larceny, as charged in the indictment, and I had the mortification to see before my own tearful eyes my former boy schoolmate and play-fellow now sentenced as a man to the chain-gang, where he had to appear in *zebra striped clothes* before his fellow-citizens, with a *huge iron ball and chain attached to his leg*, at hard labor on the turnpike, before his fellow-citizens! A hard lot, indeed; a hard case, indeed, and Edward O'Conner, the former good, amiable, handsome youth was, as a grown man, "a hard case," and this conviction and this sentence, and this ignominious service, totally extinguished the last of any spark of goodness that might have been in him, for afterwards he became a confirmed villain and scoundrel, and only lived with his *like*, and in his case there was no application of the scientific, homeopathic, Latin maxim, "*similia similibus curantur*," for he was lost forever. This is a sad story, a sad fact.

LAWYER FLINN AS AN IRISH ORATOR.

There was Jacob Flinn, a curious man and a curious lawyer, a member of the Legislature, and once a judge of the Criminal Court of this county, established by politicians, his friends, for the purpose, no doubt, of

making him a judge, and abolished by the Legislature in order to get rid of the judge.

I once heard a most eloquent speech in the old court house, Common Pleas court room, made by Jacob Flinn. The occasion was an Irish "Repeal of the Union" meeting, and the court room was literary crammed and jammed with Irish patriots and democrats, and never did a speaker get such hilarious and rapturous applause as Jacob Flinn got, speaking in most enthusiastic and glowing terms for a repeal of the Union of England and Ireland. Never were Irishmen better pleased than with the inflamed orator of the evening. I remember an eloquent sentence of Flinn's speech. Speaking of the Irish patriots, he came to Robert Emmet, and eulogized the martyr most profusely. At last he said :

"Talk of the epitaph for Robert Emmet—who will write it? I will tell you, fellow-citizens! *We*, *WE* will write it; we will pluck a quill from the wing of the American eagle, and, sharpening the pen, we will sharpen the words, so as to strike a sharp blow, a great blow, for the freedom and independence of Ireland!"

What could be more eloquent to the excited American-Irishman or Irish-American than this? Jacob was a favorite, and he deserved to be, with the warm-hearted and ardent and liberty-loving Irishmen.

JACOB FLINN AND THE OLD DEMOCRAT.

On another occasion, at a Democratic political meeting at the old court house, I heard Flinn deliver himself, and this time he began most eloquently. But there was a great difficulty and a great obstruction to the continuous eloquence of the gifted orator. Right before the speaker sat an elderly democrat, a man known as a good man

and a first-rate democrat to the whole party in the country and always recognized as a democratic power in the land. On this occasion, he had, before he came to the meeting, no doubt, been drinking *a little* Bourbon (as he was "one of them,") too much, and his sober wits and senses, for the nonce, had deserted him. He at first kept interrupting Flinn's speech with friendly, pertinent and impertinent questions, and this confused and bothered Jake, and in the flow of his eloquence the speaker had not time to attend to the episodes suggested by the pertinent or impertinent queries of his old, familiar, democratic friend. At last, the old man, with more *influcnce* upon him, got vexed and exasperated, and yelled out to the extreme pitch of his voice:

"Jake Flinn! (hic) Jake Flinn! *are yur a* (hic) *democrat or not?*"

Flinn—"Why, my old friend—why do you ask such a question?"

Old Man—" (Hic) Wh-y—you—don't—answer—my questions—y-ou (hic) don't—know—what it is—to—be—a—dem-o-cratic!"

Flinn—"What is your question, my good old democratic brother?" (pacifyingly.)

Old Man—" (Hic) Why, I want—to know—how about (hic) "Old Hickory?" Here (hic) you've—been talking—for a whole hour (hic) and you—haven't said—a single word—about—*G-in-c-ral Jackson!*"

Flinn—"Well, well, my Jackson friend, I will '*come to Hecuba*' after a while."

Old Man—" (Hic) HICCUP—*be—damned!* (hic) *I want to hear* (hic) about *G-in-c-ral Jackson.*"

This was too much for Flinn and his fellow democrats. A loud and boisterous guffaw broke forth, at the

expense of Flinn, and not succeeding in pacifying the old man, or getting him immediately silent or sober, Flinn was obliged to yield the floor to the next speaker and retire from the court room amidst confusion worse confounded, both with himself and audience.

JACOB FLINN AND ANOTHER OLD DEMOCRAT.

On another occasion, Flinn, who was a first-rate stump speaker, was going the rounds of the democratic meetings in the rural townships of this county, and one night, while he was orating with all his strength in a democratic meeting in the old frame school-house at New Haven, Crosby township, an obstreperous, old, and old-fashioned democrat would insist upon talking to, and interrupting Jake. The old democrat was too well and too widely and favorably known, to be treated harshly or insulted back by the speaker. So Flinn again and again tried to pacify him, but he could not at all, succeed. At last, in very despair the orator cried out, "Do—do—for God's sake, just stop a moment, my old friend, until I get out this important idea—you get me all scattered—and I can't keep the thread of my speech."

Old Democrat—"I don't care for the thread of your speech. I want the *rope* of democratic principles to be held on to, or we will get shipwrecked."

Flinn—"Now do, kind friend, keep silent for a little. Let me get out this idea. You scatter my brains so that they are all over the ceiling, and I can't go on."

Old Democrat—"Well, Jake, I'll stop till you throw the democratic rope up and get your brains. I had begun to think myself that you had lost them somewhere. They seem clean gone."

And so the old democrat ceased his interruptions,

and Flinn, recovering his scattered brains, went on, and growing warm and eloquent with no further interruption, made a capital democratic speech, holding on fast to the rope of true democratic principles, as the old chap suggested—a rope not of sand.

JACOB FLINN AND THE BULLIES.

Flinn was a brave and courageous man. In physique he was very large, six feet high, square built, and very strong, and he was a dangerous man for an opponent, however athletic he might be, to handle. He could whip his way through wild cats, if necessary. But he had moral, as well as physical courage. One night he was addressing a Democratic meeting in the country, and some dissatisfied Whig in the audience cried out in the midst of Flinn's eloquent harangue, at some extended statement that Flinn had made, "*That's a lie!*" Flinn looked and saw where the "lie" came from, and he coolly left the rostrum, and coming down among the audience, singled out the malefactor, took him deliberately by the shoulders, and hustled him out of the front door of the meeting house, and then as deliberately walked backed up the aisle to the rostrum, resumed his place, and went on with his speech, commencing where he left off, as if nothing at all had happened. Flinn was not a man to be fooled with, or insulted at any time. One day I saw him knock a man with his huge right fist, and send him from the pavement to the middle of the street. The bully deserved what he got. He had grossly insulted Mr. Flinn, who, good and whole souled fellow that he was, never did any one an injury or resented one violently without proper cause—never provoked a quarrel, and always tried to avoid personal altercation. He had much

genuine ability and many virtues, for which we may well remember him.

JUDGE FLINN AND THE MAN CONVICTED OF
ASSAULT AND BATTERY.

On one occasion a man was tried and convicted before Judge Flinn in his criminal court for assault and battery. It was in proof that the man was on a spree at the time he struck and beat the prosecuting witness. When it came time for the sentence of the man the judge asked him if he had anything to say. The man said that he knew little or nothing about the affray, and he presumed that he was drunk at the time.

Judge—"The court presumes so, too. We know Mr. B., that you are a good, honorable man if it were not for these sprees of yours. We will try you this time, by a very light sentence to the jail of the county, for the period of twenty-four hours, and you may go over to the jail by yourself, and deliver yourself up to the jailer, for we will not disgrace you, by putting you in the hands of the Sheriff. Now go."

And the man did go right over to the jail, but the jailer told him he could not receive him. He had no evidence that he was convicted, and he didn't support loafers there. Whereupon the man came back to court and reported the refusal of the jailer to receive him in jail to the judge, when the latter ordered the clerk to make out a mittimus, for the man, and with that he sent the man back by himself to the jail, and the jailer, who on taking the mittimus, and then the man and locking him up for twenty hours, was surprised and confounded beyond measure.

JUDGE FLINN AND THE LAWYER ON THE JURY.

I must not forget to tell of Judge Flinn and his partner in the law, whom he placed on the jury on one occasion in the Judge's Criminal Court. There was an important criminal trial coming on, and it proved to be difficult to secure the presence of a jury—that is, the whole twelve. The judge had ordered the sheriff to call bystanders, or talesmen, as they are called, to serve on the jury, and by dint of perseverance, the sheriff had secured eleven jurors, but the necessary twelfth one was wanting, and there was no good bystander left to call from the now scant auditory. At and in this juncture, anxious to get on, the judge said, “Mister Sheriff, call *Oliver Brown* to take his place, and serve on the jury.” Now, Oliver Brown was present within the bar of the court, and he was a lawyer, and more or less than that, he had been the partner of Judge Flinn in the practice of the law, before the latter came to the bench. The sheriff called Oliver Brown and ordered him to take his place upon the jury. “What! me”—exclaimed Oliver Brown—“me on the jury? I am a *lawyer* and claim my privileges as such, and appeal to the court.”

Judge Flinn—“Take your seat on the jury, Mister Brown; you will make a good juror; the court is well acquainted with you and your pretensions. Your doubtful plea that *you* are a *lawyer* will not avail *you* here. Take your place.”

So the Lawyer Brown was made a juror.

JUDGE FLINN AND THE OBSTINATE JUROR.

Another one of Judge Flinn: In his Criminal Court, in an important criminal case, the witnesses had been examined, the lawyers had delivered their arguments and

the court had charged the jury, and the jury had gone out, and they stayed out all day, and they stayed out all night, and until late next morning, and then they were brought into court by the sheriff by the order of the court, and the foreman announced that they could not agree upon a verdict, that it was impossible; that they stood eleven to one, and that one was so obstinate that he would not assent to the others that the verdict should be *guilty*.

“Who is that juror?” impatiently asked the judge.

“It is Mr. — Swazey,” replied the foreman.

“Mr. Sheriff,” said the judge, “take that juror, Swazey, back to the jury-room, and there let him remain, barred and locked up, till he agrees with the rest.” No sooner said than done. The obstinate juror, Swazey, was taken back to, and locked up in the jury-room by the sheriff, and, there he remained, and remained and remained, but he would not give in; nor bars nor bolts would bend or turn his judgment, and at last the court or rather the judge, had to discharge him, as he had already done the rest of the jury, and remand the prisoner for another trial.

This was a ludicrous but high-handed proceeding for a judge, and a serious, stiff, and stout-handed proceeding for a juror.

JUDGE JOHNSON AND THEOPHILUS GAINES.

Judge Johnson, in early times, used to defend a great many criminals, and he was frequently troubled and vexed and annoyed by the prosecuting attorneys. When Theophilus Gaines was prosecuting attorney for Hamilton county, there was one time an important murder trial before the court, and Judge Johnson appeared as counsel to defend the man accused of murder. Now, the judge

was a great fellow to defend murderers ; he was a great and busy and bustling advocate before the court and the jury in their behalf. Theophilus Gaines was a prosecuting attorney of a good deal of strong common sense, and what he might have lacked in law, he made up in his peculiar, winning ways. In the case at bar, Gaines troubled Johnson very much by interrupting him in his speech, when, according to Gaines, he was not stating the testimony as it was. Every once in a while Gaines would jump up in his place and state that the gentleman was not stating the testimony as it was delivered, and again and again he thus interrupted and troubled Judge Johnson. At last the judge grew very nervous and irritable under the interrupting reflections of the prosecuting attorney, and turning around from the jury to the court, he said, *in hæc verba* :

“May it please the court, I am much annoyed by the frequent interruptions and *corruptions* of the prosecuting attorney. He is like a sore pimple on that part of a man’s body which is used most in sitting down—he is very small, but he is very annoying.”

JUDGE JOHNSON ON NANCY FARRAR.

When the poisoner, Nancy Farrar, a long time ago, was being tried for murder in the first degree, and was being defended by lawyer Rutherford B. Hayes, now president of these United States, Judge Johnson was attending the court, and as the prisoner was being examined before the court and judge by the phrenological and anthropological witnesses as to her mental capacity, Johnson seemed to be very much interested. Nancy Farrar had a very peculiar head, and still more peculiar face. Her forehead was broad and low, her eyes very

wide apart, and her nose looked like two noses joined together, and her mouth below that, was long and wide and protuberant, so that it looked really much like that of a catfish. Johnson heard the testimony of the phrenologists and anthropologists, and then coming to the bench he said, *sotto voce*, "Judge, those learned doctors may testify as they like, but I have deliberately come to the conclusion, on proper inspection, that Nancy had for a father the god Jupiter, from her expansive *os frontis*, and for a mother, well, by her nose and mouth development, I should think, *a mud catfish*, and I am human and humane enough, not to hold her responsible as a human being, she being the product of a god and a catfish."

JUDGE JOHNSON AND JUDGE PIATT.

When Robert Warden resigned his place upon the bench of the Court of Common Pleas, a long time ago, Donn Piatt was appointed by the Governor of the State, as judge in the place of Warden, and there was much comment among the members of the bar as to what sort of a judge Piatt would make. On one occasion, in a coterie of lawyers, Judge Johnson was asked his opinion of the newly-appointed Judge. "Well," replied Judge Johnson, "I think the members of the bar have great occasion to congratulate themselves, for, as Piatt knows nothing of law, he will go upon the bench *without* any *legal* prejudices." The coterie of lawyers were entirely satisfied with the prospect, for they disliked *judges of legal prejudices*, and soon unprejudiced Judge Piatt mounted the bench with tolerable satisfaction.

DONN PIATT AND THE BAR.

Lawyer Donn Piatt once quit the bar, and ceasing for the time to be a lawyer, went into the wholesale manufacturing of whisky—the very best of the *oldest* Bourbon. When expostulated with by some of his friends for deserting the bar, he said in all earnestness: “He had not deserted the bar, he loved *the* bar, and was so much attached to it that he concluded to go into a wholesale business to supply it, and the *bars* all over the State would be much better off, and the judges too—of good old Bourbon—for that matter.” His friends ceased expostulation, knowing that Donn had the truth and the fact of it—almost.

LAWYER DONN PIATT AND THE ODISIOUS TAX LAW.

Donn Piatt was in days of yore as full of wit and humor as any man at the bar, in addition to being a good lawyer, and for a time, a good judge. Donn was not a mere lawyer, he took part and parcel in a good many other good things. He was quite a politician, and he used to make an excellent stump speech, and the democrats were very fond of Donn. The Whigs of the legislature of 1842, being in a majority under the leadership of Hon. Alfred Kelly, of Columbus, then in the senate of Ohio, passed and established a most odious tax law, taxing all personal property of every body, and requiring every body to swear to their returns of property for taxation, and this for the first time in the history of the State of Ohio. The law was particularly and peculiarly odious and obnoxious to the hard-fisted democracy, and there was not a democrat, or a democratic newspaper in the State but condemned the Whig law, as an instrument of the vilest

oppression and tyranny. They all said it opened a very wide gate for fraud and perjury. Donn was making a democratic stump speech, and he got upon the subject of the obnoxious and odious Whig tax law, and he said: "Look at this diabolical and abominable law, fellow citizens, why it appoints a tax assessor to come into your house and examine all you have got. One of these fellows came into the house of a female client of mine the other day, and looking under the bed and bedstead, after pulling up the valance of the bed and holding up his nose, he had the grossest imprudence and impudence to say to my female client, that 'there was a strong smell of fraud here.' Another instance, fellow citizens, one of these chaps came into the unfurnished room of a poor woman, and had the impertinence to ask her for a list of her goods and chattels. She said she had none. The tax man would not believe her, and insisted on knowing every thing she had, and at last began to denounce and threaten her with the law. The poor affrighted woman at last told the publican in very despair 'to look under the bed and bedstead, and if he wasn't an ass, there he would find all the *assets* she had got.' "The old woman had the tax-gatherer that time," continued Donn, "and she said the next time, that he would come around, she would give him such a set-to of *assets* with the broomstick, that he would not come into her house again." The anecdotes so pleased the people, that Donn being too somewhat of an artist got up the famous lithographic political pictures, of the "*Strong smell of fraud*," and "*All the assets I've got*," and they had an immense political circulation throughout the whole State.

LAWYERS KETCHUM AND HEADINGTON.

George Ketchum and Nicholas Headington, both good lawyers in the very late days of the old court house, were partners in the law, and the name of the firm "Ketchum & Headington, attorneys at law," glared out in blazing and blazon golden letters, before their office on Third street, in this city. There came a countryman from Colerain township into the city one day, and having like old Solon Shingle in the play, a celebrated cow case, he was hunting on Third street for lawyers to attend to his case. He read many of the signs of the lawyers, but none of them exactly suiting him, he finally discovered the sign of Ketchum & Headington, and he read it aloud to himself, "Ketch'em and Head'em-in-town, attorneys at law—they's the fellers," and he went into their office and employed our friends George and Nick, not *old Nick*, for both were then young in the law and in age, for his cow case.

JUDGE HEADINGTON AND THE CONTUMACIOUS CONVICT.

Lawyer Headington—once partner of George Ketchum, the clever lawyer and gentleman—became judge of the Court of Common Pleas. He was particularly distinguished for a blonde, sandy complexion and flaming red hair, and inflammable brains underneath it,—as this story will show, somewhat to his discredit, perhaps. It was sentence day in court—a bad, irritating and irritable day, to a criminal judge to be sure,—and the judge had sentenced a number of prisoners to the penitentiary for various terms of years. At last he came to a contumacious burglar by the name of Hayman. The convict was bidden by the sheriff to stand up in the prisoner's box, and asked

by the court if he had anything to say why the sentence of the court should not be passed upon him. The prisoner gruffly and sullenly replied that "he had nothing to say, but he was not guilty!" The judge said to him the evidence plainly showed his guilt, and that he was a bad man and had committed a bad crime, and he severely lectured him; and then he sentenced him to the penitentiary at hard labor for five years.

"You d—d, old, red-haired son of a gun, I am as good as you are, any day," roughly and loudly growled the sentenced convict, mad as he could be.

Court—"Hayman, you are a very wicked man, and the court now changes your sentence and will give you five years *more* for your insult and blasphemy upon the court; so that we sentence you to *ten years* at hard labor in the penitentiary, and the clerk of the court will so record it, instead of the five years we just gave you!"

In the excitement of the moment, this change of sentence seemed but just, fair, and proper to the lawyers, the officials of court, and the audience, and all concerned! But after it was over, men—and particularly, lawyers—began to reflect; and soon it was concluded that Judge Headington had no right to give that fellow five long years more in the penitentiary for merely insulting the court and its dignity. There was no law or statute for it anywhere, and so the newspapers next morning took the matter up, and there was general condemnation of the action of the judge, and his re-election as judge coming on soon before the people, he was defeated, and all because of this unjudicial exhibition of personal resentment and revenge from the bench upon a poor, defenceless prisoner, though evidently a very bad and wicked man. The judge was *rightly* served by the people, and this

should be a distinctive lesson to all merely *personal* judges.

OTHER LIKE INSTANCES OF CONVICTS.

I remember other like instances of sentenced prisoners answering back, and insulting the court—but none in this city—when they were punished with longer terms of years in the penitentiary by the sentencing judge for it. I, myself, as judge of the Common Pleas, was once insulted grossly by a prisoner who had been convicted of murder in the first degree, and should have been convicted of murder in the second degree, if the law on the evidence, had prevailed with the jury. When I, in my official duty, without any lecturing comment, sentenced this fellow, Augustus Ward, to the penitentiary for life, he most wickedly threatened me with the direst vengeance and called me all sorts of wicked names, but personally or officially, I took no notice of them further than to order the sheriff to take him out of court, to jail, for I thought that my official duty had nothing to do with lectaring or punishing the sentenced offender for any insult to me personally, or even any contempt of court, especially considering that he had to go immediately to the penitentiary for life. Other judges besides myself have been insulted by criminals in like circumstances, but no other instance that I wot of, has occurred here, where the judge took personal and official vengeance upon the poor devil prisoner, than that of Judge Headington.

I know of an instance in New York city, occurring with that personal and official tyrant, Recorder Hackett, who had sentenced a prisoner to Blackwell's Island for three years for the crime of bigamy, and, because he spoke back to the recorder, and grossly insulted one of his wives as he was going out of the court room in the

custody of the sheriff, the recorder told the sheriff to bring him, the prisoner back, and then added, and gave the already penitentiary victim, *three years more* at hard labor. This was nothing more or less than the act of a judicial tyrant and personal avenger, without justice or law, and deserved impeachment, but there was nobody found to take the poor helpless prisoner's part, much less a legislator to impeach the judge, and the vulgar tyrant continued on the bench—until he died!

THE WICKED SMYTH MAYTHES AND THE COURT!

One of the wickedest—indeed the wickedest man we ever had in Cincinnati, was Smyth Maythes. He lived away long back, and committed all sorts of crimes, from murder down the catalogue. He was hung at last by lynch law over in our neighboring State of Kentucky, for murdering an inoffensive man in cold blood, and the old citizens of Cincinnati were right glad to get rid of him, even in that way. On one occasion, somewhere in year 1832, when Judge John M. Goodenow was presiding on the bench of the old Court of Common Pleas, the rascal Smyth Maythes was tried and convicted for stealing a horse, and sentence day coming on, he was told to stand up in the prisoner's box, and he was asked if he had anything to say why the sentence of the law should not be pronounced upon him. He surlily replied "nothing." The judge then sentenced him to five years in the penitentiary at hard labor; when he immediately slung his old hat around which he had in his hands, and to the astonishment and amazement of everybody, yelled out in huzzaing tones: "Our country! Hail Columbia, happy land. If I don't break penitentiary, and steal another horse before six months, Judge, may I be damned," and

he then sat down in triumphant glow and glory over his bravado, and complete serio-comic victory over law, prisons, judges, prosecuting attorneys, jurors, sheriffs, jailors—everybody. But the good judge did nothing further with him, did not punish him for this, for he was wise, and knew well that he was *but a judge of the law*. As for Maythes, he was as good as his brazen word. He did break penitentiary, and did steal another horse before six month elapsed from the day of his sentence !

APROPOS !!

A reflection or two right here, perhaps would not be out of place, as to the right and authority and propriety of criminal judges going out of their way and lecturing, moralizing and preaching to prisoners at the time they sentence them. This thing would be “more honored in the breach than the observance.” A judge is sworn to administer justice *according to the law*, and he does his duty according to his oath when he merely and only sentences a convicted criminal according to the statute ; and if he does anything more than this, he steps quite out of the line of his judicial duty, and he, himself, should be condemned for it, in public opinion. *A judge is not a lecturer, a moralizer, or a preacher, and he is not placed upon the bench to lecture, or moralize, or to preach*, and if he does so, he mistakes his vocation, and his occupation should be gone. How often is it the case, that in cases of sentencing to be hanged, we hear, or hear of, or read a long, untimely, and inappropriate lecture from the judge to the poor devil murderer upon the enormity of his crime and the depravity of himself. What right or authority or privilege has a judge, by law, or in his

judicial capacity, to speak to a mean, condemned criminal in this sort of manner? *Is not the terrible sentence of death sufficient?* Is not hanging quite enough, and shall the poor creature be harassed and harrowed by the prolonged, personal, impudent, and impertinent remarks of the judge? Forbid it, Law; forbid it, Justice; forbid it, the People! For the sake of all, let this ugly, improper thing be *reformed altogether, and at once!*

APROPOS, TOO, OF PROSECUTING ATTORNEYS!

A PLEA FOR THEM!

Prosecuting attorneys are generally considered *most hard hearted*, and some of them, perhaps, deserve this unenviable distinction. But, as the expressive slang has it, "I have been there," and "I know how it is, myself." But their feelings of mercy and kindness—and after all they have within their full bosoms much of the "milk of human kindness"—are generally brought to bear and be in effective play among the secrets of the grand jury room. A good State's attorney will not have any person indicted for offense or crime by the grand jury, whom he believes he could not have convicted on trial in court. Even if he has *reasonable* doubt in his own mind about the guilt of a prisoner investigated by the grand jury, in his official capacity as their legal adviser, he will give it to the prisoner and advise them of the law, and the fact, and prevent, if practicable, an indictment being found. Many are the indictments that State's attorneys are the means of having *ignored* in the grand jury room by proper and timely legal advice and feelings of mercy. It is there, that the good and blissful prosecuting attorney fully appreciates, with Shakespeare, that—

"The quality of mercy is not strained ;
It droppeth as the gentle rain from heaven
Upon the place beneath : it is twice blessed ;
It blesseth him that gives and him that takes :
'Tis mightiest in the mightiest : it becomes
The throned monarch better than his crown."

And, he will add, it becomes prosecuting attorneys better than the mere applause of people for efficient performance of duty against poor, frail victims of criminal law !

Now, this being the case, nobody being indicted but those whom the State's attorney believes to be guilty, he comes into court to try the indicted prisoners with knowledge or full belief of their guilt, and then, in obedience to the law and his duty, he pursues, relentlessly perhaps, with all his energy and ability, to convict them ; and, with all his efforts, it may be truly said, that some guilty ones escape, on account, chiefly, of the laws regulating evidence—first-rate laws in themselves, but very bothersome, sometimes, to prosecuting attorneys. There is no doubt, though, that a prosecuting attorney long in office, becomes so habituated to the State's* side of viewing things, that he will become hard-hearted, and in some instances most hard-hearted, and the best way for the virtuous people to do, is not to elect any prosecuting attorney for more than two terms. This advice we emphatically and somewhat peremptorily, though gratuitously, give to the people—*No third term for State's attorneys!*

The prosecuting attorneys of the old court house, as I have them in memory, were the following, some of whom were hard-hearted, and others not :

David Wade, Daniel Van Matre, Thomas J. Strait, Nathaniel C. Read, William B. Caldwell, Jacob T. Crapsey, Charles H. Brough, A. G. W. Carter, and A. J. Pruden.

Assistant prosecutors whom I remember in the old court room were :

Peter Zinn, Stanley Matthews, George E. Pugh, Timothy Walker, Thomas Powell, and Patrick McGroarty.

These latter were appointed only for terms of court ; there were no regular assistants in those days, as it seemed they were not required as in these times of villainy !

APROPOS, NOW, OF GRAND JURIES.

In my long and extended experience, I have found the grand jury of the county *a very useful, patriotic and wise institution*. I am aware that the institution has met and does meet with much opposition from discreet and intelligent people, and some good lawyers are quite antagonistic to it. It is regarded as a sort of noxious and obnoxious star chamber affair among some of the people, and the lawyers think and say that it is cumbersome and useless—that all that it does might better be performed by the State's attorney, himself, and thus a great deal of court costs, and taxation of the people be avoided. But, notwithstanding, it has the confirmation of centuries of existence for its propriety and practicability in England and America, and it is now as useful as it ever was. No prosecuting attorney that ever I knew would like to take upon himself the burdensome duties of the grand jury. No State official, singly and alone, could ever stand it to be *State informer* ! No ! the State's attorney for all the accusations and charges, and indictments which he pursues and prosecutes after they are found and preferred and presented, wants the grand jury to stand between him and the people, and the prisoner, and take the great responsibility of *accusing*. And then that responsibility becomes quite light when shared among fifteen citizens constituting the grand jury. And there is this great important other thing in this matter of the grand jury : it

requires citizens to take part in the due administration of justice and law by the courts ; it requires fellow-citizens to belong to the courts of justice, and become a part and parcel of them ;—and this is the reason that I called the grand jury a patriotic institution—and it is so, indeed ;—I have found it so ; I know it so, and it should never—never be abolished among a free, liberty-loving, and enlightened people.

There is no danger to innocent citizens in being falsely and maliciously indicted by our grand juries. It takes at least twelve citizens out of the fifteen to find a true bill, and it was never known that twelve false or bad men got upon a grand jury. The thing is quite impracticable. Once in a while, one or two bad men may, by hook or crook, get to be grand jurors, under the system of empanelling them in our courts, but even this occurs very seldom. I once knew of a fellow who got upon the grand jury by feeing a deputy sheriff, for the purpose of preventing a bill of indictment from being found against a friend of his who had been committed for crime by a magistrate, and was out on bail. But he was found out by the report of some of his fellow jurymen to the court, and the facts being disclosed by proper evidence, the false grand juror was summarily dealt with by the court. He was dismissed from the grand jury, and was sent to jail for contempt of court—for interrupting and obstructing the due administration of justice. I do not remember any other instance of fraud and falsehood with the grand jury. I once knew a grand jury in the old court times, in great temperance excitement, to adjourn their daily sittings for two weeks, that each one of them might hunt up cases of selling liquor without license, to report to their own body, and find indictments. But this high proceeding was put

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an end to, by the prosecuting attorney's calling the attention of the court to the fact, and the grand jury was called into court and given plainly to understand that it was by no means their business to go around town to hunt up cases, but to stick to their room and hear cases presented to them by the State's attorney.

If that temperance grand jury had had their own way, they would have indicted all the saloons and coffee-houses perhaps in the city, and given the State's attorney, the sheriff, the clerks, and the courts very endless trouble and botheration, but grand juries, though an independent body as juries, are, by the law, under the direction and control of the court, and thus we have another provision of safety in the action of grand juries. The conclusion, then, undoubtedly is, that our grand jury system is a good and useful one, in every proper view we may take of it, and any saying, and any body to the contrary. It is wise and patriotic and should be preserved as an institution to preserve the liberties and freedom of the citizens of the republic, and without which our criminal courts of justice could not get along at all. It is one of the institutions that experience has again and again affirmed and confirmed, and there is great wisdom to be had from long experience. We do not rest its usefulness and propriety, however, alone upon experience, for all the reason and reasoning that we can command, assent and consent to, and approve of grand juries. We should endeavor to keep them pure and undefiled, and every official and every citizen should be on the lookout, and report any dereliction or falsehood or fraud which may possibly occur in the making-up and empanelling of grand juries. They should always be made up of our wisest, most prudent and, best citizens, and so constituted that none of us need ever

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have any fears of grand juries, but the bad and wicked and crimeful who infest the purlieus of our cities and the hiding-places of the country. And so be it!

THE PORK HOUSE COURT HOUSE! AND LAWYER
COMMENTS THEREON.

We have once said that Cincinnati has always been celebrated for *pork* and, on account of this fact, has frequently taken the sobriquet of Porkopolis, as well as the more beautiful name of the "Queen City of the West." Well, in compliance with, and obedience to, her porky traditions, after the burning of the old court house in July, 1849, the porcine and porcupine (for they had dreadful *pens* and *quills* in those days,) county commissioners prepared and fitted up the second and third floors of a large and extensive pork house on the north side of Court street, between Main and Walnut streets, for all the purposes of a court house. The two buildings for county offices, which we have long ago referred to in our first description of the old court house were not destroyed by fire, so they were continued as county offices; but all the courts and their belongings, —then consisting of the Court of Common Pleas, with four judges, (the president and his *ass-ociates*,) the old Superior Court, one presiding judge, and the Commercial Court, one presiding judge, —were transferred bodily, soon after the conflagration, to their new, porcine quarters, where they remained until the new Constitution of Ohio, of 1851, took effect and put an end to, and a lasting quietus upon them all. By that time, the present new court house got under way, and the new constitution courts occupied their rooms in it, though not very satisfactorily, at first, for they were small and bad rooms in

the first story, just built up, and illy fit for courts, or people, or anything. But the county commissioners ordered it so, peremptorily.

The accommodations for the courts and the grand jury and prosecuting attorney and the lawyers and the people in the pork house court house were very commodious and convenient, bating their high elevation and the continued and continuous smell of pork about and around, which sometimes disturbed the olfactory nerves of the judges and the lawyers and the juries. On one occasion a facetious lawyer remarked in the presence of the open court :

“Fee, fi, fo, fork,
I smell the fumes of freshest pork.
Fee, fi, fo, fog,
I smell the blood of Cincinnati hog.”

And another, perhaps more facetious and humorous, declaimed and proclaimed in open court, on a trial of a client for stealing hogs, “May it please the court and gentlemen of the jury, we are engaged in a hog case, and it is very fit and appropriate that we should be so engaged in this place, this pork house, this pork house court house, where we have hogs below us and hogs *above* us, and hogs all around us ;—but comparisons are ‘odorous’ and I will make no odious illusions or allusions !”

The old court, sitting silently in conscious dignity, did not stop the lawyer, for—aware that, in days ago, they had been dubbed with great success and with impunity, too, the Demerara Team,—they took it good-naturedly to be numbered among *their fellow-citizens* of Porkopolis ! Better porkers, perhaps, in Cincinnati, than a mule and asses !

But the pork house court house was, after all, a good

one, as old lawyers will well remember. Its court rooms were quite large and commodious, and convenient in their arrangement; and the big grand jury room and the prosecuting attorney's room were really superb. The county commissioners were not to be blamed at all, for fitting up, after the fire, a pork house for a court house in Cincinnati.

THE EXPEDITIOUS REMOVAL OF THE COURT HOUSE BY
PEREMPTORY ORDER OF THE COURT.

By the way, I must tell a good story of how the court house was expeditiously removed by the peremptory order of the court, though it occurred quite after the times of the old court house. The fact of the transfer of the new constitution courts from the porcine court house to the first story of the new court house then building by the arbitrary and peremptory order of the county commissioners, has already been referred to. Well, the new courts obeyed very reluctantly the foolish order of the county commissioners, considering that, by the law providing that the aforesaid commissioners should provide court houses for the courts, perhaps, they were obliged to submit and succumb to them. The judges got into little brick and stone, cold rooms, on the ground floor, on the north side and south side of the now one-story court house building—no more fit to hold court in than pig pens—not beginning to be so fit and commodious as the former large hog pens that they had left in the pork house; and these rooms were very dark and cold—so dark that, for two-thirds of the time, gas had to be resorted to, to light up, so as to permit judges and lawyers and parties concerned to see at all. The judges submitted to these rooms and the tyrannical county commissioners, for a good, long

while, until one of the judges was afflicted with sore eyes, and he was advised by his physician that his affliction was occasioned by his court room. Now, it happened that the District court, consisting of one of the supreme judges and the three Common Pleas judges, was going to hold a term pretty soon, and this court was to hold its sessions in the aforesaid sore-eyed court room. Well, the judge who was afflicted with the aforesaid sore eyes, by dint of curing perseverance and staying at home, away from his court room, got well, and he was emphatically determined that he would hold court no more in that court room, the county commissioners to the contrary, notwithstanding; and so soon as the supreme judge arrived, he went to him privately at the Burnet House where he stopped, and conveyed to his personal ear the total unfitness of the court room for holding the District Court, and all his own grievances, and advised the supreme judge that the first and the very best thing that could be done, on Monday morning next, at the opening of the session of the court, was to make a recorded, peremptory order to the sheriff to remove the court house to other quarters. The aggrieved judge also took timely occasion to consult with his other brother judges, and when Monday morning came the four judges were together upon the bench in the little brick-stone court room lighted with gas, and all the lawyers were there, and a big audience of people,—as many as could crowd into the little, abominable court room. “Open court, Mr. Sheriff,” said the presiding supreme judge; and the sheriff duly opened the District Court of and for Hamilton county, and, “Now,” said the judge, “before this court proceeds to transact any business at all, it must have a good and proper place to do business in, for this horrid place is not fit for a hog pen, much less a court

room ! The sheriff of the county is therefore peremptorily ordered to remove the court house of the county to some other, better, larger, and more commodious and convenient place. The clerk of the court will record this order and the sheriff will now proclaim, that this court is adjourned, until a new court house is found and provided." The sheriff duly obeyed, and adjourned the court, and everybody went away from that court room—lawyers and all, astonished, amazed, and confounded, not knowing what was coming next, and what would, might, or could occur to the county commissioners, and what they could, would, or might do. Gassaway Brashears was the good and dutiful sheriff, and he had been well posted by one of the judges—he that had had the grievous sore eyes, and he immediately set about obeying the peremptory order of the court, without a word of consultation with the county commissioners ; and he hired and rented from lawyer Henry Snow, the then owner, the large, extensive building on the north east corner of Walnut and Ninth streets, for the purposes of a court house. Going to work with his hired artisans, the sheriff fitted up court rooms in the rented building in the course of a few days, and reported all his doings to the court—or the judges thereof—who immediately gave public notice, that the District Court of and for Hamilton county, would hold court in the new court house provided by the sheriff, on a day certain. The day and the hour came, and the judges of the court, and the lawyers of the bar, and the suitors, and the witnesses, and the interested people assembled in the new quarters, and at 10 o'clock, A. M., precisely, the presiding Supreme judge ordered the faithful sheriff to open court, and he did so, and the regular business of the court went on for a long term, from day to day, and ever after

that until the second story of the new-building court house was finished, and good court rooms provided, were the courts of the county held in the rooms of the great building on Walnut and Ninth streets; and, more than that, the county commissioners, at last yielding to the action of the courts and the wise opinion of the people, footed all the bills of the new court house. Thus it was, and this is how, the court removed expeditiously the court house! A case of judges *vs.* county commissioners!

THE YOUNG LAWYER DEMOCRATIC ORATOR
AND HIS STUMP SPEECH.

It was the Monday evening before the November Tuesday of the presidential election and there was a mighty democratic mass meeting in the court room of the old court house, in the memorable year 1840. Bench, bar, floor below and floor above in the gallery were crammed with Bourbon democrats, earnest and determined to retrieve, if among the possibilities in political life, the great and damning defeat they had met with in the State and county election on the last second-Tuesday of October. Dr. Alexander Duncan, the old war-horse democrat and defeated candidate for Congress, had made, in the language of the "b'hoys," one of his roaring, rip-staving speeches, and he was followed by a good-looking, long-haired, and bright-eyed young lawyer democrat who had been duly advertised on the big posters as the "young Buckeye orator," which sobriquet he had acquired from his eloquence and oratory in Eastern Ohio and Western Pennsylvania, where he had been thoroughly stumping for Van Buren and Johnson, and against "Tippecanoe and Tyler, too!" The crowd were anxious to hear the youngster orator with his flowing locks and brilliant elo-

quence, as it was the first time on his return home, that he was to speak here, and that in the old court house! He began his "fellow-citizens," and went on and, growing intensely eloquent and brilliant, he was applauded and applauded to the echo. I remember, in the course of his speech, he declaimed, "Fellow-citizens: we have met the enemy, but—God save the mark!—they were *not* ours. We cannot exclaim, in the concise language of Julius Cæsar, '*veni, vidi, vici*,' for we came by thousands, we saw by thousands, but, alas! we *did not conquer* by thousands! But, my countrymen, we mean to retrieve what is lost; we mean, on the morrow, to give our Whig foes the full brunt of battle again, and we mean to have victory perch upon our democratic banner—a banner but yesterday trailing in the dust—now, proudly lifted and elevated, and all its blazoned folds of democratic truth and principles alive to the breeze. We will show these Whig masters that they cannot beat us again. We will show them that an election for the presidency of the United States is quite a different thing from an election for governor and mere county officers. To be sure, they have sent us up Salt river in the State election, but we have come down again, and now we are going to put them in their dug-out upon *their* gloomy river voyage, and before we get done with them we will *tip up their canoe* and Tyler, too!"

At this concluding smart sally for the Buckeye orator, of course, there was one long-continued, prolonged applause and wild exclamations of "Tippecanoe and Tyler, too—we'll tip up their canoe and tile them over, too. Hurrah! hurrah for the young democratic Buckeye and Martin Van Buren and Dick Johnson! hurrah! hurrah!" And the meeting was at last, over. But vain was the ex-

traordinary eloquence of the youngster in the old court room, for the next day the Whigs beat the democrats at the election in this city and county for "Tippecanoe and Tyler, too" much worse, very much worse than at the State election, and there was no tipping over their canoe—and Tyler, too!

LAWYER CROSS, AND THE CINCINNATI LAGER BEER!

We had a practical joker in the person of lawyer, Nelson Cross, in the days of the old court house. He was a young lawyer then, and is now an old able lawyer in New York City. He was, as a lawyer youngster of talent, and much acumen and ability, selected a representative to the legislature at Columbus, by the democrats of Hamilton county, and among others, he had for a colleague, Dr. Wright, a good facetious old fellow from the precincts of classical Carthage, a little town about six miles from Cincinnati, upon whom Cross being a hotel mate at the Neil House, was ever and anon playing some of his jokes. Dr. Wright was fond—extremely fond—of lager beer for himself and his friends, and he used to order it from Cincinnati, to his room by the full kegs. He generally ordered two fullest kegs, and he would set them up, or have them set up in one corner of his room, one on the top of the other, and when the top one would run dry of lager, he would change kegs, setting the empty one under, and the full one on top, and when that became empty, he would issue a fresh order to Cincinnati for another two kegs. Well, Cross knew of these things, familiar as he was with the doctor and his room, and his lager, and he resolved on occasion to *cross* the doctor! One day, going into his room, he found the two kegs in the corner, the bottom one empty, and the top one full,

the doctor just before, having exchanged them according to programme. Cross all alone in the room having drawn from the faucet a glass or two of the delicious fresh lager, took it into his joking head, to again exchange the position of the kegs, placing the empty one on top, and the full one below, and left the room, and went over to his place in the legislature, which was in session. At noon the legislature took a recess, and as usual, Dr. Wright invited a number of the legislators to his room to partake of a glass or two of his delightful Cincinnati beverage. There were a dozen of them or more, among them Cross, who came over and were in the room, and a dozen or more lager beer glasses were brought out from the doctor's closet, and one given to each of the members, who were invited to the top keg to turn the faucet and get each his beer. The first one more anxious than the rest, tried the turn of the faucet, but no beer, the next one, but no beer, the next, but still no beer. The doctor was surprised, astonished, and he tried the faucet, and no go; and he excitedly declared that he had left that top keg full of fresh beer when he left his room in the morning, and now there was not a drop in it—the rascally servants of the house must have drank it all up—d—n them! He would immediately order two new kegs from the city, and would have a good supply next day, and he invited them all to be at his room next evening and drink their full of beer. The legislators then all left the room, the doctor with them to go down stairs and try something *stronger* at the bar of the hotel. Cross excused himself, and said he would be down in a minute, and left alone in the room, he immediately and hastily again reversed the kegs of beer in the corner, putting the full one on top, and the

empty one below, and then drawing from the faucet a full glass for himself, he hurried down to the bar-room to Dr. Wright, and his fellow legislators, and classically and loudly exclaimed: “‘*Carthago delenda est*,’ but not so, our Carthage friend’s lager beer. Our representative from Carthage, *Hannibal* is himself again, (trotting out Dr. Wright from the counter of the bar) and his keg is full. Take an adjournment to his room, and see all for yourselves.” An adjournment to the room from the bar, was at once made, and the numerous party having got into the room, the glasses were handled, and the faucet tried again, and sure enough, the foaming lager largely flowed into them—the glasses and the throats of the members—like nectar into their goblets, and down the throats of the gods and goddesses, and a loud and resounding cheer was given for the restoration and recovery of the beer; a loud huzza! “A miracle!” cried one of the members, “Christ turned water into wine, and now the Cross turns nothingness into the very best of Cincinnati Lager Beer!” “Huzza! Huzza!! Huzza!!!” roared the crowd.

And another miracle was now performed, the members, without turning their stomachs in the least, again turned that full keg of blossoming beer into empty nothingness, and left in glow and glory, the doctor’s celebrated room, huzza! huzza!!

LAWYER NELSON CROSS AND LAWYER ADAM HODGE,
THEY HAVE A BOUT.

Lawyers Nelson Cross and Adam Hodge, were engaged one day, in a knotty case in the old court room, and they surprised the court, suprised the jury, and surprised themselves. They were opposed to each other,

and bitterly and bitinglly opposed. The amount involved in the case was not much, but the evidence was curiously contradictory, and strong on both sides, and it was a very difficult matter to tell which side had the right, or the wrong of it. The lawyers finally got personal, and indulged in the sharpest sarcasm toward each other, and at last began lustily calling each other names, and playing and punning upon each others names respectively, but not respectfully. Cross called Hodge nothing but a peddler of the law, and a puddler or paddler in the facts. Adam retorted by calling Nelson nothing but a dumb oyster in the facts, and a deaf and dumb shyster in the law. Nelson replied that Adam was a very dabster, or mere dauber, in short *A-dam Hog*, in his conduct of this case, and then Adam getting *cross* as could be, rejoined: "The gentlemen plays and puns upon my poor name, he is not the first lawyer that has done that, who had a bad case. He may pique himself on his own showy name of 'Nelson,' the hero of Trafalgar, but if he is a Nelson, he is a *cross* breed, and trifier that he is, he may be the hero of a *trifle*,—*gorra!* as an Irishman would add. But no such diminutive Nelson, or *Nelly's son* can come *a-cross* me, or come it over me, either. If he persists in being *cross*-grained or *cross*-gruntled, and in *cross*-firing, he shall have it back and he might too, get *a-cross stick* upon him. But, gentlemen of the jury, this vigorous trifier must not think because he is *a cross*—that you, who no doubt are all true followers of *the cross*, will follow such a small specimen as he shows himself, in his *crossings* and *cross* meanderings about this case. No, gentlemen, look *cross-wise* at my *Cross* adversary, and bring in a verdict that will make him look *cross-cyed*."

I believe that our friend Nelson gained his case, and

thus did “come *a-cross a-dam*, and come it over him,” but he never more played upon lawyers’ names, being made fully aware by the last Adam, that in that regard, he lived himself in a crystal palace.

ANOTHER DIAMOND CUT DIAMOND.

There were two young lawyers earnestly contesting in a hard case, and they both of themselves proved “hard cases,” before they got through. They were unsparing and relentless in their flings and “slings and arrows” at each other, and it was hard to designate where victory would finally perch. The case involved the wages of a comic singer at one of our theatres, who had sued the manager for more than he was entitled to, and there was, of course, much fuss and feathers about it, before court. One of the lawyers, he that represented the singer—the comic singer—was himself comical, if not musical, in his management of his cause. In his speech to the jury he indulged in the remarks that it took a genius to be a singer—a comic singer; he knew it was right hard work; he knew music and was fond of music; he himself knew how to sing, and he knew how very laborious it was, and how valuable. “Why,” said he, “I have warbled many a comic melody. I know how it is myself, for I am a warbler!” The other attorney replied, “The learned musical lawyer congratulates himself that he is a singer—a comic singer—and says he knows how it is himself, for—I am a *warbler*’ triumphantly ejaculates he. Well, I take it, from the superior *cracked* voice he puts forth and displays before us, gentlemen of the jury, that he is a *quack*, and in his duck-like manifestations of voice and movement, he might, and could with more eminent propriety, be called a *wabblers*!”

The *warbler* was *ducked* that time in the stream of his opponent's sarcasm, with little or no mercy!

LAWYER FOX AND THE SHYSTER.

Able and learned lawyer Fox once had, in opposition to him, in a tangled case in court, one lawyer Cunningham, small both in stature and brain. Little Cunningham would make up in shrewdness and cunning, sometimes, what he lacked in legal ability, as too many professed members of the profession, we regret to say, are too apt to do,—and he tried to do so over Mr. Fox. But the latter took little or no notice of his tricks and treacheries, but went on with his side of his case in his commanding, overbearing way—so overbearing, indeed, that the small specimen shyster was nearly crushed. At last, the little fellow, quite tired and worn out with the overpowering legal ability of his veteran adversary, arose in his place and, thinking to remember a little French, and anxious to be, and appear witty, and to entirely overwhelm his able opponent with sarcasm, he exclaimed, “May it please the court, I can’t stand this no longer—I can’t stand the learned gentleman’s overwhelming conduct of this ’ere case; I don’t stand no chance at all. He consumes all the time and everything else. He is a regular—old—*fox*—*pass*,—that’s what he is” (designing the to use French word “*faux pas*,” without knowing its meaning and certain that he was pronouncing it right, and that he had Mr. Fox, that time, sure.

The court smiled, Mr. Fox laughed, and the lawyers and the audience were boisterous with merriment, quickly seeing that the boot was quite on the other leg, and that Cunningham was the *faux pas*!

MR. FOX AND HIS FIRMS IN THE LAW.

During his long, eventful, and successful career at the bar, of course the attractive name of Mr. Fox had, and has been the occasion of much wit and humor among the lawyers and other people. For a lawyer to be named Fox, of course, is vastly suggestive, and all sorts of funny things have been said in reference to our eminent Fox. He has been called "cunning Fox" and "crafty Fox" thousands of times. He has been told hundreds of times that "Foxes have holes," and lawyer foxes, legal ones. One lawyer said to him in court one day that "he was no chicken, and he was not going to be captured and eaten up by a fox." Another lawyer said, in the course of his speech, that "he would trap and catch the old fox in his tricks, and expose him." Still another said, in reference to some conciliatory remarks that our old friend made, that, "because Mr. Fox had had his tail cut off, he wanted all of us to cut off our *tales*, but it wouldn't do—he had his *tale*, and he would unfold it." And so we might repeat and repeat these funny, suggestive sayings, and might tell of some very funny doings, perhaps, but for brevity, we *pause*.

Mr. Fox has had too, suggestive names of his firm in his long practice. First, there was 'Storer & Fox,' read aloud, sometimes, the "Story of the Fox." There was 'Fox & Wright,' suggesting the "right Fox." There was Fox and Lincoln, and the boys would read it "Fox & Lick-'em, or Link'em." Then there was 'Fox & Kenna,' and this was interpreted "Fox and Cunning"—the "Keen Fox." And then there was 'Fox & French,' and the boys called it "Fox-French" or the "French Fox." And now, at this day, in the old age of the able, veteran lawyer,

the firm is Fox and Bird, so wholly and entirely suggestive. "Surely at last," say the boys, "it has come to pass: the fox and the bird *lie-down* together, if not the lion and the lamb!"

A CURIOUS LEGAL TENDER.—A DIRECT LEGAL BLUNDER.

"Do you believe his 'tenders,' as you call them?"

—*Shakespeare.*

"That you have ta'en these tenders for true pay,
Which are not sterling."—*Ibid.*

There were two lawyers, one day, in the old court room, in a case at bar, lustily contending against each other whether a legal tender had been made by the plaintiff in the case, to give him the legal right to sue upon his claim. The action brought into court, and very improperly brought there, was by the father for loss of services, because of the seduction of a comely, young, and fair daughter by the defendant. The counselor for the defendant made the great legal blunder of insisting upon it as the law—that the father should have tendered his beautiful daughter in marriage to the young man before he could have the legal right of suit against him. The attorney for the plaintiff, without knowing much about the law of tender, or of his case, hesitatingly and *tender-ly* remarked that such was not the law, but if it were the law, it was directly in proof that there was a tender made. The other lawyer took him upon this, and remarked confidently, "that, to be sure, there was a *tender maid* in the case,—she was the fair and comely daughter of the plaintiff, herself, but there was no legal *tender made* of her to his client, the defendant, by the plaintiff, her father, by which, perhaps, a marriage and settlement of this case might have been made, before it was *made* a case in court."

And now it was time for the court to intervene, and said the court to both of the learned counsel, paraphrasing Shakespeare, "Gentlemen, 'tender yourselves more learnedly, or you'll tender the court a fool.' All this talk about tender is the tenderest bosh in this case. No *marriage tender* or *tender marriage* was at all required in this case, and as the court is disposed to treat *tenderly* both of you, we would like you both to be better at-*tenders* to the law, and take care that you make to the court better legal *tenders* of the law, and *tender* to us no more legal blunders!"

LAWYERS CUNNINGHAM AND STEWART. THEIR LIVELY
CONTEST. THE WAGER OF BATTLE.

Lawyers Cunningham and Stuart were two great, and overwhelming, and perennial pettifogging lawyers. If ever men at the bar, or *in the bars*, deserved the appellation of pettifoggers, these were eminently the fellows. They were not partners in the law, but always opponents in the law, and in fact. They were continually quarrelling with each other, indeed, inside and outside of the old court. Their practice was mostly confined to the courts of the justices of the peace, and once in a while when cases were appealed from these inferior tribunals, to the Court of Common Pleas, they got in there, and made a fuss and a stir! One day, they had such a case in the old court room, and they were both very active and lively, and hot and bad tempered in, and about it. The case involved the ownership of a horse, or, as was proved, the frame of one—worth about five dollars, and it was hard to tell from the contradictory evidence, whether the plaintiff or the defendant was the real owner of the horse, or whether it belonged as leaked out to a third party,

entirely out of the case. At last, nervously and courageously exclaimed Stuart, who represented the defendant, and wanting to follow the oldest common law precedents:

"I will *wager battle* with the learned gentlemen on the other side, that this valuable horse belongs to my client. If he pleases we will strip right here, and go into a fight, about it."

Lawyer Stuart—"I gladly accept the terms of my courteous and learned adversary, but will defer the time of the battle, until after the verdict of the jury, and then, if he likes, I will strip, and fight him."

The Court—"Counselors, if you will really *settle* this case by the *wager of battle*, we will adjourn to give you fair and proper opportunity, for the ways and means by which you have both managed the case, have so confounded the minds of the court, and the jury, that there is positively no telling, what is just and right about it. Shall we adjourn?"

Cunningham—"I only spoke in a *Pickwickian* sense—may it please the court!"

Stuart—"And so did I. I—*bid*."

Court—"Oh!!!"

THE INNOCENT SHAKERS, AND THE VINDICTIVE NEIGHBORS—A VERY CURIOUS CASE.

It is well known that a large family of the pure and innocent Shakers have a long time existed out at White-water village, in the north-west portion of Hamilton county, even for a period of over fifty years. When they first settled there, being regarded by the orthodox people as children of the devil, and by others as religious lunatics, it was the endeavor of all the neighborhood in White-water, Crosby, and Miami townships, to get rid of them

and their peaceful settlement, and all manner of stories was circulated about their devilish ways, all over the country, and sometimes a mob of farmers was talked of to drive them clear out of the county and country. At last, some vindictive scoundrels in the neighborhood, got two little Shaker boys who were anxious to run away from the strict and restraining care of the Shakers, to make up a horrid and outrageous charge against the whole Shaker community of Whitewater, and have all the elders and chief men among them brought before a magistrate on the abominable criminal charge of *castrating* the boys. It seems that the two boys had been in swimming in Dry Fork creek, which was near the Shaker settlement, and their naked persons were noticed by some malicious and mischievous rascals, and it was at once currently reported, that there were two *emasculated* boys with the Shakers, and no doubt the Shakers had done the deed which transformed and deformed them. By the villains, the boys who were promised money and freedom, were seen and talked to, and they both conspired to get up the severe and atrocious charge of *mayhem* against the Shakers, and have them all arrested. The boys were taken before a country magistrate in the village of New Haven, and there made to make affidavit of the *mayhem*, and a warrant was issued for the alleged perpetrators, and they were arrested without mercy, and brought before the justice of the peace, and after a hasty and hurried examination of the two wicked boys, the bigoted, Shaker-hating justice, committed all the Shakers to the jail of Hamilton county, in this city, without bail, and they were accordingly brought to the city and lodged in the jail, some fifteen or twenty of these lamb-like non-resistants, who trusting wholly to, and

in the Lord, and their entire innocence, made not the least resistance, and offered no defence at all, before the magistrate in his crowded court. Of course now, the country was all excitement, and when the Shakers were placed in jail, the excitement became tremendous in this city, and a mob collected about the jail, and it was for some length of time feared by the sheriff, the jailer and the officials of the court house, that the jail would be forced, and the prisoners taken out and lynched. But by the over-powering efforts and influence of some distinguished citizens like Judge Torrence, General Lytle, and Charles Fox, and Bellamy Storer, and Judge Este, and others, the mob spirit was quelled, and the poor Shakers were permitted for the time being, to rest in peace in their cells in the jail. In the interval, there was much talk among the old lawyers of the old court house, and it was thought by them, that there could be no truth in the wicked charge against the innocent, simple-minded Shakers, and it was resolved by lawyers Storer, Strait, Hawes, Van Matre, Fox and some others, that an examining court should be held for the benefit of the Shakers, and the real facts of the case thoroughly investigated by the associate judges of the old Court of Common Pleas. Accordingly some one or two of these members of the bar duly applied to the associate judges to hold an examining court in the old court room, and see as a court, whether there was anything in the serious charges against the poor Shakers, or not. The examining court was appointed for a day and hour certain, in the old court room, and on that day, at the appointed hour, never was such a scene exhibited in and about the old court house. The associate judges who were to try the cause, were Judges Looker, Silvers and Short, and they were

assisted in their examination by Judge Torrence the presiding judge of the Common Pleas, who, sympathizing with the non-resisting prisoners, and knowing the blamelessness of the lives of the Shakers, came into court, and also with the associates, and to the gratification of the lawyers, took his seat upon the bench. The inside of the bar was crowded with lawyers, parties, witnesses, officers, and distinguished citizens, while the outside, and the gallery were crammed and jammed with greedy and prejudiced spectators, and outside of the old court house, in the extensive yard and the neighboring streets, there were hundreds and thousands of interested citizens from the city and the country, and they were all full of indignation and excitement, from prejudice and bigotry.

The court was called to order, and the examining trial commenced amidst breathless silence, commanded by the great deputy sheriff Stalee, by loud voice and stroke of mallet. The prosecuting attorney David Wade called the boy witnesses, and they solemnly testified for fear of the penalties of perjury, to almost the same story that they had told before the country 'Squire, and when they got through, everything seemed, and was against the twenty or more Shakers sitting in the prisoner's box, and on the seat below it, and the people were terribly excited, and quite ready to take and wreak vengeance upon them. At last, there came a mighty stroke of wisdom and sound judicial policy, not thought of by any one before, nor even dreamed of, from the mouth of good old Judge Torrence himself. Looking grave and serious, and commanding the most absolute silence in court, he solemnly said :

“Mister Prosecuting Attorney, have you summoned any skilled physicians in this case?”

Prosecuting Attorney—"No. May it please the court, I did not deem it necessary."

Judge Torrence—"How thoughtless and-negligent! (*aloud, to the auditory*). Are there any experienced physicians within the sound of my voice? If so, please step forward, before the court."

More than a dozen of the best physicians of the city, who were attending the trial because of their exceeding interest in it, obeyed the oral summons of the judge, and advanced from the crowd and stood up before the court.

Judge Torrence—"Are there any skilful surgeons among you? If so, please designate."

Four excellent surgeons, whom I shall name Dr. John Morehead, Dr. William Smith, Dr. Ramsey and Dr. Drake were designated.

Judge Torrence—"Gentlemen, surgeons, it is the order of the court, that you take these two boys who have just testified before the court, accompanied by the sheriff, into one of the adjoining jury rooms, and there strip them of all their clothing, and make a thorough examination of their naked persons, to find if they have ever been *really castrated*, and report your doings under solemn oath, to the anxious court. Take the boys, Mister Sheriff, and show the surgeons with them to the jury room, and in the meantime, the court will take a recess for an hour, until the surgeons are quite through with their proper investigation."

The sheriff took the boys as ordered, and the four surgeons accompanied him to the jury room, and were absent for over an hour. The crowd remained within, and without the court house, anxiously and patiently. After the surgeons were through examining the persons of the boys, the sheriff reported, and the court re-convened, and order and silence were enforced, and then:

Judge Torrence—"Mister Clerk, swear the four surgeons as witnesses."

The clerk swore the four witnesses.

Judge Torrence—"Well, gentlemen, what is your report under oath? Make it orally as witnesses."

Dr. Drake—(*who was put forward*). "As surgeon experts, after a most thorough examination of the parts of the persons of these boys, *we find that there has been no castration at all, of these boys.* In one of the boys, there is deformity, there being but a single development, as sometimes occurs, congenitally. In the other, there is an infirmity in one development, but by extraordinary pressure, its natural place was resumed. *So that there has been no mayhem, there has been no crime—no crime at all, committed by these innocent prisoners.*"

Judge Torrence—"Is this the testimony of all four of you?"

All the Surgeons—"It is!"

Judge Torrence—"It is as the court unanimously thought, from the beginning. *These innocent prisoners are the victims of hate and bigotry. They are harmless, and innocent. They are all now honorably discharged.* The boy witnesses will be committed to jail for perjury for the present, until the prosecuting attorney can make due inquiries."

And so it was, the innocent Shakers were discharged, honorably discharged, and amidst applause and huzzas, went from the court house to their peaceful homes; and the city, and the county and the country, were relieved from the foul consequences of one of the most wicked conspiracies against innocent and harmless men, because of their religion, that ever was known. But the matter, wicked as it was, redounded to the great benefit of the

Shakers of Whitewater village. Pronounced by the court in full bench, entirely innocent, and honorably discharged, on the testimony of the expert surgeons, they were ever after, from sympathy and fellow feeling, taken into the good graces, and warm friendship of the neighborhood, and have lived in peace with all mankind, and hope of bliss beyond the grave, ever since their fortunate and deserved escape from conspiracy. They have never since been molested by anybody, from anywhere. May they continue so to live in their goodness and innocence. So mote it be!

THE PSEUDO RAPE CASE.—THE TWO MEXICAN VOLUNTEERS, AND THE FRIGHTFUL RIOT AT THE JAIL.
A TERRIBLE CASE.

By way of serious and somewhat sorrowful though funny-ending reminiscence of the old days of the old court house, we will add the remarkable story of the two poor Mexican volunteer soldiers, and the dreadful false accusation and charges against them, and the terrible jail riot occurring in this city of Cincinnati, in the summer of the year 1848.

Soon after the Mexican war, two soldiers who had done good service in the war, returned to this city,—and having procured honorable discharges from the service,—procured their land warrants for one hundred and sixty acres of land, and had them in their possession. Being Germans, they took up their quarters with a German and his wife and his daughter, in their home near the Brighton House, situated in the extreme north part of, or quite out of the city at that time;—and got work to support themselves in some one of the factories of the city. They had lived with this German and his wife and his

little daughter for some time, when one day the whole population of the city were startled with the horrible tidings—that these two discharged Mexican volunteers had committed a horrible rape upon the little girl—the details of which crime were indeed too horrible for contemplation even. The old German at whose house and home they lived, had sworn out a warrant before 'Squire E. V. Brooks against these two men for rape upon his child, and they were arrested, and taken to his office on Court street in the vicinity of the court house for a preliminary examination. But the crowd of people was so great, that the justice of the peace removed the hearing of the case, to the old court room of the old court house,—having first obtained permission of the County Commissioners, and there being a vacation of the courts. The examination taking place there, the excitement throughout the city became greater and greater, and not only were the large court room and gallery crowded and crammed with people, but the court house yard, and the streets were filled with thousands of excited citizens. The examination proceeded—and both the parents and the little girl swore to the perpetration of the rape by the soldiers,—and bloody clothes were exhibited,—bed clothes and the under garments of the little girl,—and the evidence was conclusive, and the justice committed the two soldiers to jail without bail. It was with the most extreme difficulty that the prisoners were got to the jail. The constable took a great posse with him to keep off the crowd on the way out Court street and up Sycamore street—but the yelling crowd pursued them and the prisoners, and the air was filled with missiles thrown at them. They finally, however, succeeded in lodging the prisoners in the old jail;—and now they were under the protection of the

sheriff of the county, who, at that time was Thomas J. Weaver.

The examination at the court house consuming all the morning and part of the afternoon, it was late in the afternoon, when the prisoners were lodged in jail. In the meantime an angry crowd about the jail remained, and continually demanded the possession of the prisoners to lynch and hang them. But the sheriff knew his duty, and dared maintain it. He procured the services of the two crack military companies of the city, the Citizens Guards and the Cincinnati Greys—to guard the jail and keep off the mob. But as the shades of evening began to prevail, men coming from their work, joined the crowd at the jail;—and now, the whole great jail yard before the jail, and Sycamore, and Hunt streets were filled with an excited populace. Sheriff Weaver again and again, expostulated with the crowd, and by all means in his power, and at his command, kept them from moving on to the jail. But the crowd grew larger and larger, and at length a rush was made for the doors and windows of the jail;—and at this time, in the performance of his duty, it became necessary for the sheriff to order the soldiers to fire, and this they did at first with blank cartridges, but it was of no avail. The vast crowd not scared a whit, grew more excited, and pushed on to the jail with more strength and power, and absolutely the leaders got within the front doors of the jail. Armed resistance with cartridge and ball was now necessary—and the sheriff was compelled to repeat his order to fire. The soldiers fired, and *eleven* persons in and out of the crowd fell to the ground, to rise no more. This effective volley of the musketry created a panic in the unarmed crowd, and dispersed and scattered them far and wide;—and

proper precautions being taken, there was no more mob, or mob attack and onslaught. That night's dreadful experience cost eleven lives, and, as is always the case when there is a mob—the innocent bystanders suffered with the guilty leaders. There was next day, mourning over the whole city, and this continued until the corpses which had been taken from the jail yard, and the streets, were buried in their graves ;—and then the people began to question, and question the proceedings of the sheriff, but all were compelled from the facts finally, to conclude, and to say—that, under the circumstances the fatality could not have been avoided—it was the duty of the sheriff and the soldiers to do as they did—notwithstanding the great loss of life of citizens, and soon the people of our peaceful city settled down in their old ways again.

But the sequel. I was prosecuting attorney of the county at the time, and I speak what I know. At the assembling of the grand jury at the next term of the court, a bill of indictment against these poor volunteer soldiers was *unanimously ignored*, on the plain and simple ground that they were plainly and simply innocent, and guiltless of any rape, or any other kind of crime. They had served their adopted country, and were hard-working, industrious, diligent, and honest men. They had been the victims of these Germans—a man and a woman with whom they lived, who, because they could not induce them to give up their land warrants to them, had conspired with their little daughter to get up and maintain this awful charge against them—and their whole conspiracy was a fraud, and their whole story a bald concocted lie. I officially discharged the innocent prisoners from jail ;—and after this there was much talk of lynching their guilty persecutors—but when they

were hunted for, it was found that father, mother and daughter had fled to parts unknown, and have never been heard of since. What became of the two soldiers I never afterwards learned,—but it is hoped they went out West, and located their land warrants, and became good, substantial western farmers.

What—what a lesson in all this? What mischief a lie—a base fabricated lie can do! Lives must pay for it. What, what an infuriated mob can do,—excited, o'erstrung and o'ermastering, until death itself must come to create a panic, and scatter and dissipate their masses? Cincinnati has had the lesson more than once!

PARSON BROWN, AND THE PROSECUTOR, CALLING NAMES,
AND PLAYING UPON THEM!

Henry B. Brown—a native Kentuckian, and for the remainder of his life, a Cincinnati—was a member of the bar of the old regime about the latter days thereof. He was a good lawyer of fair standing; he had been an editor, and was much devoted to literature generally; he was also a wit and a punster sometimes, and was accepted and acceptable in society on account of his winning ways and bright scintillations every once in a while. He was eccentric, and his serious and sombre peculiarities—together with the perennial spectacles on his nose—gave him among the legal fraternity the sobriquet of Parson, and he was known far and wide as 'Parson Brown'—not however to be mistaken for Parson Brown-low, for he was never low, but ever exalted in his own estimation, and that of others. He was tall and slim, gaunt and thin, and dressed in finest black, as he always was, with a bright white neck-tie, he looked every inch a parson, and well deserved his nickname.

Well—the parson was one day engaged in defending a prisoner at the bar for robbery, and the evidence as to the identity of the accused—the crime having been committed in the illy-lighted street at night, was somewhat thin and doubtful, and the parson in his speech to the jury took great advantage of this, and descanted eloquently and learnedly upon the subject, and read from all the law books, and referred the court and jury to very excellent authorities—but he devoted unaccountably the greater part of his eloquence to a direct attack upon the State’s attorney, who was the humble and modest official, by name, Alfred Carter, and called him names, and played upon his name. “This prosecutor and persecutor for the State,” said he, “thinks to have it all his own way, and would convict innocent men of crime, as he now prosecutes and persecutes, and would convict, my innocent client before you, gentlemen of the jury—I would have this learned prosecutor to know, that because he is *a carter*, he cannot carry away everything with him in this way. He may, once in a while, get the cart before the horse, as he has done, and is doing, in this case—and, I would have you gentlemen of the jury, to take advantage of this pause and stop in his career, and unload his cart for him, and acquit my client, who is no more guilty of this crime than the carter himself.”

Good for the parson, but the prosecuting attorney had the reply on him, and he made it the retort courteous, and he said, “gentlemen of the jury, in the parson’s construction, it appears that I am on trial, and not the prisoner, and the parson, forgetting his sacred calling, calls me bad names—for this, I forgive and forget him—knowing as I well do, that in your opinion, and your ver-

dict, the case of his client will be *done brown*,—and the parson will have a *brown study* over it,—and he will ever after this, have cause to remember, that in defending a criminal he had better attend particularly and exclusively to that duty, and not engage in heaping obloquy upon the name of the poor prosecutor, who does his duty for the State. No—Mr. Brown, it will never do—it will never do to give or take it up so, Mister Brown. No, Parson Brown—the good book says,—“Thou shalt not bear false witness against thy neighbor”—and this should be *browned* in the brain of the parson Brown!” The verdict was ‘guilty’!

VERDICTS OF JURIES! TOM CORWIN’S SAYING!

“Do not your juries give their verdict
As if they *felt* the cause—not heard it?”

Juries in old and modern times were, and are, sworn to find a true verdict on the issue joined between the parties to a case, according to the law, and the testimony, and how often, think you, have they, and do they obey that oath? Why we should use the tautological phrase, ‘true verdict,’ in the formal language of the oath, is hard to tell; the word verdict comes from the two Latin words, *verum*, *dictum*, meaning a *true saying*, and one would be apt to think, that the contracted, derived word ‘verdict’ was explicit and sufficiently definite; but perhaps our old common law-givers wanted to emphasize and give force, and create, and therefore, put in the oath a ‘*true, true saying*,’ or a ‘*true verdict*.’ But it is a bad phrase;—*true verdict* is an ill phrase,” as old Polonius would have undoubtedly thought, had he heard it from the mouth of the actor, or from the mouths of the clerks of our courts.

The conundrum part in reference to juries obeying their oaths, must be given up. Verdicts of juries are certainly the most uncertain of all things, and in a given case, you cannot tell what the verdict will be. You may guess, as do the juries themselves, perhaps, in most cases,—and in their oath—a ‘true guess’ might be substituted for a ‘true verdict’ with much pertinency and propriety. On one occasion, lawyer Tom Corwin remarked in his speech to the court—that “there were two things that it was impossible to predict, what they would turn out to be. One was, what a woman could, would, or might do in an emergency or exigency, and the other was, the verdict of a jury. But of the two, the verdict of the jury was the more cloudy and uncertain, and he very much doubted, and he spoke from a very—very long experience, whether any person on earth below, or in heaven above, could tell what the verdict of a jury would be, in any case, but God Almighty Himself.”

QUID NUNC? ET, NUNC PRO TUNC! “TWA DOGS.”

There were two lawyers, and in their wrangles, and quarrels, and barking, biting, and bites of each other over their case, quite resembled the “twa dogs” of Bobbie Burns’ memory. They should have remembered the concluding verse of

“Let dogs’ delight, to bark and bite
For God has made them so.”

but they did not, and seemed to remember only the first verse, and acted, and conducted themselves accordingly. One of them was somewhat acquainted with Latin, and knew the apt meaning of some phrases; the other knew scarcely a word of Latin, or the meaning of a Latin phrase.

Shaking his fist, or his paw, at the other, and pawing and pausing for a while in *striking* attitude, the Latin dog yelled out—" *Quid nunc? tu canis?*" 'or, *tu brute!*' The other un-Latin canis—not knowing what his Latin opponent meant, struck—not the opponent, but a grim, gaunt attitude—and screamed out—"you needn't shake your glorious or gory locks, or your hog Latin, or your dog Latin at me, you brute! I know what *nunc* means, and I know what *nunc pro tunc* means, and if you don't look out I will give you *quid tunc*, *pro nunc*, and make you yell out, *quid chunk*, (at the same moment taking from his mouth, and throwing a *quid of tobacco* at his adversary) instead of *quid nunc*—you puppy.

Court.—Counselors—you are getting entirely too personally pertinent, or pertinently personal; and the court must personally and pertinently interpose. You seem to make earnest endeavor to make the court be of decided opinion, that you are really and genuinely two dogs—'or twa dogs,' as Burns has it. You must immediately quit your barking and biting, or the court will be obliged to send both of you to the—kennel!

"*Quid nunc?*" repeated one, and "*nunc pro tunc*," replied the other, and *they shook hands!* '*Bark now*,' to the jury—added the court, and they did so—they *embarked* their *bark* upon the uncertain—jury to the safest *haven*, or *heaven* for one of them!

ADMITTANCE TO THE BAR. ADMISSION INTO THE
PROFESSION. LEGAL LEARNING AND
LAW PRACTICE.

The bar, from the time that memory runneth not to the contrary—has been an exclusive institution—a sort of learned cabinet or *pen* affair, and some say, a soulless

corporation, and some say, "a knavish piece of business." Be that as it may, it seems that the time has well nigh run out, for making rigid rules and regulations, or positive statute law for the admission of lawyers to practice. Why not leave the whole matter *free*, in these enlightened times? Why not admit any person to the bar who is capable, in ability, and learning? Why *admit* to the bar, at all? Why not permit any person to practice law, as any person is permitted to engage in any other business, save that of doctoring and preaching, and the rules and regulations, and law in reference to them could be readily and profitably dispensed with in these improved times, or better still, the *business* done away with altogether. Oh! we want the three learned professions, Law, medicine and preaching! Why *professions*, and why do we want them? Why called *professions* forsooth? Is it because the business of them is superior, or in any sense, any better than any other business. Noah Webster defines in his second definition, 'profession' to be "the business which one professes to understand, and to follow for subsistence; calling; vocation; employment, as the learned *professions*." Do not all men engaged in any sort of business profess to understand their business, and in this way, are not all businesses professions! Why should the lawyer, the doctor, or the preacher claim, that this word belongs exclusively to their business? Is there any truthful and rational reason, or cause for it. It is very questionable, this arrogance, this aristocracy, this autocracy among a free and enlightened people, to say the least. But it has been, and it will be perhaps, for awhile, until the masses of the people fully understand and appreciate, as they are about doing, more and more, every day, from the sayings and doings of lawyers and doctors, and particularly preachers,

that this matter of professions—learned or otherwise—is a matter of pure and unadulterated humbug, and should no longer be allowed to exist, or subsist among men and women created equal. But we are talking about lawyers, and we feel sure that their business should no longer exist as a *profession*, and should be made at once *free* to all, and unincumbered by limitation or definition of law, statute, or rules of court. The profession of the law should be no longer exclusive, and therefore privileged and arrogant, but in all respects, and in every regard should be placed upon a platform of equality with all other callings and vocations. ‘Learned profession’—again forsooth ! What—the Law? Does it require more ability or talent, or learning than any other respectable business? We know it has all along been thought so, but *it is not so*, and if the people willed it in the legislation that is done for them, there would soon be an end to all this stuff and humbuggery. No, lawyers are indeed no better or no worse than other people, and they should have no more or better rights and privileges than other people, and above all, they should not be by any law, statute, rules and regulations of courts, *admitted* to the bar. It may be thought remarkable and singular, and anomalous and abnormal for a lawyer to talk or write thus : but a long and useful experience has satisfied the author, that courts, and all their appertainings, lawyers and their practice, and the people themselves, would be bettered and much improved and progressed by doing away with the law as a profession, and lawyers as an exclusive class, and particularly with all *admittance* or *admission* to the bar.

This admission to the bar by limitation of time and study, does not make *better lawyers*. Why look at the

members of any bar, anywhere, and they are all pretty much like other men. Those among them succeed the best—who are the best men. As Daniel Webster had it, among lawyers, however numerous or crowded they may be in any given place, there is always room for those who *occupy the upper story*. Genius, ability and talent, and common sense particularly, command success among lawyers, as among other sorts of people; and why not give genius, ability, and talent, and common sense, full and free sway, without saying how long, and how much such genius, ability and talent and common sense, should be confined over the books and things in a law office, or in a law school. We decidedly go for reform in this matter, and say with Hamlet, “*Reform it, altogether.*”

WHICH HAND OF THE LAWYER?

A distinguished lawyer was addressing the associate judges in the probate department of the old court, and in his right hand he held a written document which he was making *profert* of, to the court—while his left hand was thrust clean down in his left side-pocket of his pantaloons. In his earnestness, holding forth the interesting legal paper before the eyes of the associates, he exclaimed, “May it please the court. I hold in my hand the very instrument for the protection and comfort of this widow.”

The lawyer on the other side, arising from his seat, immediately remarked, with a twinkle in his eye, “I respectfully suggest to my learned brother, that in addressing the court—he should be careful to keep his hand out of his pocket—for his remark might *raise*—a *conundrum* in the *view* of the court.”

THE CROOKED STRAIGHT LAWYER OR STRAIT,
THE CROOKED LAWYER.

A witty, punning lawyer was contesting in a troublesome case with lawyer Strait. The latter had considerably bothered the former, and had so far as the law of the case was concerned, brought him quite to his wit's end. At last he indignantly exclaimed, upon a fine legal point made by lawyer Strait, "Mr. Strait, how do you make that out? Certainly not from the case! You go outside of the case, Mr. Strait, entirely outside of the case! You, Mister Strait, follow curious, devious and crooked ways—there is nothing really *straight* about you—nothing but in name, and a strait by any other name would be as fluent and smell just as you do—you *smell of fraud*, Mister Strait. You are crooked, Mister Strait. You are decidedly Strait crooked—or crooked Strait—my learned, able, and distinguished and straight crooked friend."

The court did not stop the lawyer, for they seemed to coincide, and let him proceed on *straight*!

AMENITIES OF THE BAR. POLITE PHRASES. SALUTATIONS AND REFERENCES, ETC.

From the time out of memory, the conduct of the lawyers within the limits and precincts of the bar, and before the court, has been always distinguished by the most extreme courtesy and politeness. There is little or no boorishness or bearishness to be seen at any time in the court and bar. To be sure, there is a great deal of wrangling and apparent quarrelling among lawyers sometimes,—but you may depend upon it,—it is all to be taken in a Pickwickian sense, "there's nothin' in it." The

amenities of the bar—among themselves, and to the court, and the court to the bar are absolutely so, and have become proverbial, and woe be to the lawyer or to the judge who would interrupt, or interfere with them. In every case tried, you will find the lawyers exquisitely polite toward each other ;—and you will hear them forever addressing, or alluding to, or referring to, each other—as “ my learned friend ”—“ my distinguished friend ”—“ the learned gentleman ”—“ my able opponent ”—“ my distinguished adversary ”—“ my erudite friend,” and sometimes, if the speaking lawyer be an Irishman—“ my *erudi-ted frind* ”—“ the able counsel on the other side ”—“ the distinguished and learned counsel opposed to me,”—“ the able counselor ”—“ the eminent counselor,” etc., etc. Why there are any quantity and quality of exquisite terms which these lawyers use toward each other, and let me tell you, they are not all humbug or poppy-cock, either, but they are full of meaning, and therefore by no means, mean or contemptible. And then, the familiar address to the court—“ may it please the court ” or “ may it please your honor or honors ”—and then the polite way the court has of saying to the lawyers—“ our learned brother ”—“ the learned counsel ”—or “ the distinguished counselor.” Why one would be apt to think, that they certainly thought a very great deal of each other, and they do, too ; for those judges are all truthful, sincere, honorable fellows, and they never lie, you may rely,—or rather *relic* upon that.

AN ANECDOTE UPON THIS SUBJECT.

There was once a lawyer addressing the *four* judges of the old court of Common Pleas—the presiding judge, and the three associates—and he would purposely, and

continually, and continuously say—as he spoke closely to his very nice legal points, “may it please your *honor!*” as if the court were singular, and not plural. At last each of the three associates became offended—got mad,—and one by one left the bench leaving the presiding judge alone in his legal glory. The presiding judge—observing the movement of one of his brethren, and then the movements of the other two—through his spectacles—and feeling quite fidgetty, took them off from his nose, and calmly putting his arms a-kimbo, remarked to the speaking lawyer—who, if he had seen, or did see the movement of the associates, did not seem to care a whit about it. “The learned counselor will please pause in his remarks!” The counselor stopped. “I am obliged to inform the distinguished advocate,—that the court is without a *quorum* on the bench—and I, without a quorum, can hear him no longer in his argument,—for there is no court to speak to, not to say, speak of. I presume his *singular* allusion and address to the court—“may it please your honor” did not please my *plural* brethren, and, therefore, singly and singularly they have singly seceded, and left me single and singularly enough,—singularly alone. I will have to adjourn, as the other judges do not sojourn with me,—’though it is very singular!”

Lawyer—“All right, may it please your honor—my knowledge of the definitions or grammar of the law has never yet taught me to make a singular a plural. I was speaking on points of law—and they of course pointed me pointedly, only, to the *single law judge* upon the bench!”

Presiding Judge—“Mister Sheriff adjourn this single, and singular court.” Adjourned!

THE MAGNETIC LAWYER.

There was an able and eloquent lawyer of the old court, who was distinguished for much real dirt upon his person, and much dirt, too, from his mouth, for he chewed or rather *chawed* great quids of 'nigger-head' tobacco, but when he got to speaking, no more dirt of any kind, flowed from his mouth or lips, it was all pure and clear, the fluency and eloquence of his speech, and in his influence over a jury, he was really, genuinely and truly *magnetic*. He was one of those persons who had magnetism in and about him, and notwithstanding his dirt, his talk and speech would attract people to him, and much influenced them. He was known as the magnetic lawyer.

One day he was engaged in a case before court, with a two-penny lawyer on the other side. His legal ability and magnetic eloquence to the jury, made the little struggling lawyer quite uneasy, and at last in his reply to his eloquence, he was worked to a pitch of genuine madness, and he loudly declaimed to the jury." The able gentleman, they say, possesses a great deal of magnetism—I can't see it—for the life of me, I can't—but I tell you what I can see; I can see a great deal of dirt about him, and if I were called upon to pronounce upon the learned and distinguished gentleman, I should say, he possesses for one of his ability and distinction, a vast deal of *maggotism*!"

The old able lawyer, distinguished as he was, was *extinguished* that once, by the little dabster. Wasn't he?

“MONEY MAKES THE MARE GO!”

There were two sprigs of the law engaged on opposite sides in a divorce case, and it was hotly contested. The wife desired to get a divorce from the husband, but the husband wouldn't let her. He wouldn't let her be, and he wouldn't let her gee—and he wouldn't let her go. Besides he was mayor of a village! The young lawyers became quite harmonious and witty over their first case in the upper court. Alimony was involved in the case, and the wife's lawyer wanted to get a good deal of money from the well-off husband, the mayor! Says the husband's lawyer to the wife's lawyer—“you want alimony, do you? And you want, it would seem, *all-the-money*, my poor client's got. You can't have it. You have not made out a case. You shan't have it. You shan't have *all-the-money*.” The wife's lawyer retorted—“Yes, we do want alimony—all-the-money we can get from your client who has treated this—his poor wife, so badly. Money has made the *mayor* go, and we now want money to make the *marc* go, in this case.”

Here was something for the husband's lawyer to catch at immediately, and he immediately rejoined, pitching his eloquent voice to a very high key—

“May it please the court—the learned counsel says ‘money makes the mare go.’ Let me say for his benefit, and for the benefit of his client, and for the benefit, too, of my client, that if money makes the mare go, it will also make the *married*—(*marc-rid*)—go, a great deal better; and, therefore, these parties should not be divorced.”

And the parties were not divorced. The court would not *do it*.

OUR FRIEND RIDDLE IN A BULL CASE!

We have had occasion more than once to refer to our old substantial, and *suaviter-in-modo* friend Riddle. We forgot to tell about him, when he was once engaged in a *bull* case in court—not an Irish bull case—but a regular, genuine, native bull case. It was also like Solon Shingle's celebrated case—"a cow case" on the other side—for it was literally a case of bull versus cow, or cow versus bull—our friend *representing* the bull. And he did truly and specifically represent the bull. And behaved, in so doing, somewhat like a bull in a China shop. He so represented the bull—so closely, and so identifyingly, as it were, that in his closing remarks to the jury, he forgot all about the bull, and presented himself instead of re-presenting the bull of his client—for he said—"Gentlemen of the jury! *We* are accused of goring this man's cow, and he would have us mulcted in high damages for it. I tell you, gentlemen of the jury, *we* didn't gore this man's cow—and the cow can't shake her *gory* horns at us. *We* never did it, and the proof plainly shows in the case, that *we* never did it. *We* fling back the bare, bear, base and damning insinuation, and tell the learned gentleman—not the cow—on the other side, in his teeth, that we neither gored, garroted, or marred, or murdered his client's cow. *Our* garments are free from the blood of that cow, *we* never gored her, make a *gourd* of *our* head, if we did. No, gentlemen of the jury, never! *never!! never!!!*

Riddle's never! *never!!! never!!!* or his taking the part of the bull, certainly won the case for him, for the jury gave him a verdict—or *the bull!*

THE YOUNG LAWYER AND THE INVITING INKSTAND.

It has been more than once intimated that so courteous and polite have been, and are lawyers toward each other in their intercourse, in their practice generally, that quarrels and fights were, and are like angels' visits—few and far between. But this were a vainglorious boast to proclaim it always so. Sometimes lawyers at the bar even before the court, get so grasping and rasping, that they go over each other rough-shod, and once in a very great while, they may, and do come to absolute blows. It is extremely hard for a young lawyer, aspiring and ambitious, to stand the sarcasm and taunts of an elder brother, especially when the youngster full of spirited diligence and diligent spirit, is trying his first important case in court. We remember in point, a fearful occasion in court. The youngster lawyer, a little dapper fellow of ability, too, and much courage and pluck, was offended, much offended, at the overbearing taunts and insolence of the veteran who was engaged in the case at bar against him. He stood the sarcasm of the veteran, and the taunts as to his young age and young ability, and inexperience, for some time, for a long time; but at last he could not stand them any longer, and in a paroxysm of indignation, and vindictive wrath, he picked up an inviting inkstand, running over with ink, and hurled it with all his might and main at the head of his worthy or unworthy old opponent, The said opponent had on a pair of the *whitest* duck linen breeches, and the inkstand missing the head of the opponent, struck him on the hips, and bespattered his nice new pants behind and down the legs, all over with the blackest of ink, so that on a rear view, the pantaloons were turned to black instead of

white—they were blackened, as if with a blackening brush. When the youngster threw the inkstand, he most indignantly exclaimed: “Now, d—n you, take that. I’ll endure these things no longer from you, though you are an eminent counselor of this court.”

When the inkstand struck the veteran practitioner on the behind, and bespattered the black ink all over there, and down his legs, the youngster looked aghast, and declaimed, very loudly: “I missed my aim, but I am satisfied, I have blackened your very seat of honor,—‘thou sea of ink without a single star’—and hereafter, I think, your taunts and sarcasms on young lawyers, will be ‘more honored in the *breeches* than the observances.’”

This commingling of Bulwer and Shakespeare won for the young advocate distinguished laughter and applause, in which the members of the bar, and even the four judges of the court took part, and the *blotted* lawyer—to show that he was not altogether *blotted out*—surveying his *breeches* before, and particularly behind, calmly and mildly observed: “Young man, this is an old way to pay new debts. I attempted, as you thought, perhaps, to blacken your character, and you have succeeded in blackening my seat of honor, and filling up my *breeches*.”

This was the end, and there was no contempt of court, passed upon by the court, but they had to adjourn for the old lawyer to procure a new *suit*, or to get his *breeches* or his *breeches* renovated. One of the parties to this inkstand matter, *the hurler*, is now a member of the bar, a survivor of the old court lawyers, and therefore I have mentioned no names. The astonishing pluck of the youngster was much commented on by the old lawyers at the time of occurrence, and by some of them much commended, for it did seem, that there was nothing

left for the young advocate, but the *ready inviting* inkstand on the lawyer's table before him. The young lawyer after that, was never disturbed by the taunts and sarcasm of elder brothers.

WHAT IT IS TO BE A JUDGE!

My preceptor in the law, Judge Timothy Walker, used to frequently say in his lectures before the students of his law school, that the highest and best conception of a judge of a court was an *intellectual statue*, and he repeats this declaration in writing, in the pages of his useful book called "Walker's Introduction to American Law." Now, with all due respect to the author, the declaration is far, far from the truth. An "intellectual statue" would make a hard, stony, marble-hearted judge indeed, and would give nothing but hard judgments, stone judgments, marble judgments, Shylock judgments. There would always be in his decisions nothing more or less than the "pound of flesh," and the divine quality of mercy would not at all enter into them. Knowledge of, and feeling for human nature, would be entirely absent from the mind, for there would be no heart of such a judge, and straight lines would constitute his pictures, and not the curved lines which are always the distinctive mark of beauty and loveliness. No. Walker was wrong; he could not stand erect, much less *walk* stately, in the pursuit of such a sentiment, or in its realization. His conception and view are entirely wrong. A judge, to be a good and true one, should possess both heart and mind, and for the real and true purposes of his office, should possess the former in a greater degree, if anything, than the latter. He should, too, have a heart overflowing with the "milk of human kindness." He should have love—

divine love—in his nature, as well as intelligence, and these combined would make him *wise*. Away with hard-hearted or no-hearted judges! away with mere intellect without love! away with judges without wisdom!

And what is the experience of mankind in this regard for hundreds of years in this country and in England? Shall we go further in illustration than our own, illustrious example of John Marshall, the greatest Chief Justice of the Supreme Court of the United States? We think we need not. That man was a man, a human, and a humane man, and he had a heart as big as a mountain, and that good and great heart, too, as it ought to have done, controlled his mighty intellect; and this was the reason that he had such a full reservoir of the best common—the most *un*-common sense, to resort to, and when he poured out of this, his decisions were always characterized by the highest and brightest fluency, and wisdom, and were the most acceptable to the bar and to all the people. Why, this great and good judge was as simple and innocent in heart as a child. A good story is told of him significant of this, which has never been in print before, I believe, and I will tell it as apropos, though somewhat at the expense of pseudo modesty. .

CHIEF JUSTICE MARSHALL, AND THE PEAS!

Judge Marshall, when Chief Justice of the United States, was passing through the thoroughfares of the market in the streets of the city of Washington, one bright, early morning in the beginning of spring time; and he came across some *excellent fresh peas*, just from the country garden, and thoughtful that his wife would like those nice, new, green, shelled peas of early spring, he bargained with the vender for a peck of them, and

duly paid for them. But how to carry them home, for he had no basket! There was an earthen-ware store just opposite, and seeing two capacious *chamber-pots* on the cellar door there, he went for them, and took them up, bargained for and bought them of the grocer, and with one in each hand, he returned to his shelled peas, had them put into the pots which were now each filled with *pea-s*, and with one in each hand, and both now full of green freshness, he sauntered, open and above board, through, to the end of the crowded market, and up and down the streets of Washington, until he reached the stone steps of his own mansion, where, at the bottom of them he took a needed rest, meanwhile exposing himself and his pots of peas, to the gaze of neighboring ladies from second story windows, and finally, having rested, he still, ever mindful of his *peas* and his *cuc*, which he wore on his hair behind, mounted the steps, and entered the front door of his good home—into the hall—to the great surprise, and astonishment, and wonderment of his good wife and family—and particularly the colored servants, who wondered and wondered what ‘dar massa had bought and brought dem tings home foh.’

This story shows simplicity, and therefore shows *heart*—undoubtedly shows every thing good! *Judge Marshall belonged to the human family.* Like all of us, *he had human frailties.* Give me a man of human frailties, say I! I want no goodie goodies, no *perfectionists*, or *perfectists* here, on earth. I trust none such. Above all, give me a judge *who is a man—a human man*, and no statue! No *intellectual statues* for judges for me, and those of my *fallible* way of human and humane thinking. We don’t want a bit of them! We can get along without them—entirely.—*Scluh!*

THE STORY ABOUT THE NEWLY-DISCOVERED EVIDENCE!
HOW PUGH AND PENDLETON WERE OUTWITTED
BY HODGE AND LEAKE. ON MOTION
FOR A NEW TRIAL!

Pugh & Pendleton was an old time legal firm practicing much in the old court house. Both of the firm became young United States Senators, one of them, George E. Pugh, when very young in age, scarcely constitutionally eligible, and the other, now a senator, though not very old. They had an important case in court called the Gandolfo case, and though they had labored very hard and diligently for their client, Peter Gandolfo, the plaintiff, they lost their case, being defeated by the extraordinary industry and legal acumen of our old lawyer friend, Adam Hodge, already a conspicuous personage in these pages. In their defeat, they made a motion to the court for a new trial, on the ground of newly discovered evidence, and to sustain their motion, they filed in court, two enormous affidavits of two women which had been sworn to, since the trial and verdict, and the testimony in which, made a very strong case of victory for their client. Adam Hodge saw and read the affidavits in the clerk's office, and he ordered and took copies of them, and the question was with him how to get rid of the serious and alarming effects of the afore-said affidavits. The matter was soon settled in the ready mind of Adam! He posted off to the law office of Bloomfield Leake, near the court house, and he entered, and at once began: "Leake, I want you as a notary public, to go with me to the house of two women, in the Gandolfo case. Pugh and Pendleton have made a motion for a new trial on the ground of *newly discovered*

evidence, and have filed in the clerk's office, two monstrous affidavits of these two women, and if these affidavits are true, they will knock my case all hollow. Now, I don't believe this is *newly* discovered evidence, and if it is, it is all a lie; but I want you to take your notarial seal along, and go with me, *officially*, to see these two women, and *re-take* their affidavits, or do something or other with them."

Lawyer Leake—"But, Adam, is this fair to the lawyers on the other side? What right have you to interfere with their witnesses?"

Hodge.—"Because I believe this is a put up job on me. This evidence, if it be true, is not *newly discovered*; that old Gandolfo knew all about it, and his lawyers, too, before the trial of this cause, and it is not *newly discovered*. And I just want to take these womens' affidavits to show that they told all that they have testified to, to old Gandolfo, and Pugh, and Pendleton, before this case came on for trial, and I have a right to do this."

Leake.—"And you want me to go with you to establish this?"

Hodge.—"Yes—let's go right off—while the pot is boiling, and the iron's hot."

Leake.—"Well—I'll go with you! I suppose it is all right."

Hodge.—"Come on—bring your paper, pen and ink, and official seal, and we will go hunt up these women."

So the two lawyers prepared themselves, and went out in the purlieus of the city for the women, and after a still and silent, long, long hunt, they found them, and Hodge introduced himself as a lawyer in the Gandolfo case—without referring to which side, and his friend Leake as a notary, and said that "they had just come to

see them especially—their affidavits were all right in the case, but they had forgotten to state one important thing, and that was—*when* they informed Gandolfo and *the* lawyers—Pugh and Pendleton—of what they both knew about the case.” “Why,” said one of the women, “Gandolfo and the lawyers—Pugh and Pendleton—knew all about our testimony when the case was begun, for we told them all about what we knew a long, long while ago.”

Hodge.—“Oh! my good woman, that is just what is wanted. Here is paper, and the notary will take your further affidavit.”

No sooner said, than business then and there commenced, and the depositions or affidavits of the women were immediately taken, to the important fact, that their testimony was not *newly discovered*, but known long ago by Gandolfo and his lawyers. The women were sworn, and signed their names, and the notary certified officially to the affidavits, and applied his official seal, and both lawyers, chuckling over their wondrous success, politely bid the deceived and taken in witnesses on the other side, good-by, and went out of the house—and to Hodge’s office—and then Hodge said to Leake—

“Don’t you think the end justifies the means in this case? We’ve got Pugh and Pendleton by the toes, sure, and I’ll teach them, that they can’t come it over Adam Hodge.”

Leake.—“Well, Adam, blamed if the result doesn’t show you are right. And we are no Jesuits, either, in this matter.”

Adam paid Bloomfield his notary fee, and filed his affidavits in the clerk’s office just an hour or so before the motion for a new trial came on before the court,

and neither Pugh or Pendleton had seen the additional affidavits, for they had not been informed of them, and the court was ready to hear the motion, and Pugh and Pendleton presented their side, and read *their* affidavits of the two women, and were cock sure that they would get a new trial on the merits of their *newly discovered* evidence—discovered since the verdict of the jury, and therefore, entirely and exceptionally new!”

It was now Hodge’s time; and Leake was present to give color to, and countenance his side, and Hodge arose in his place, and he ejaculated: “May it please your honors—this evidence in these old affidavits of these two women, is not newly discovered, but it is old and musty and even rusty, as the new documents I will now show the court will most plainly manifest;” and Hodge drew forth his new affidavits of the two women, and read them to the infinite surprise of the opposing lawyers, and to the amusement of the court at their astonishment and discomfiture—for these additional affidavits, though so surreptitiously obtained, did plainly show, that the newly discovered evidence was old and musty, and even rusty, as Hodge had said, and the witnesses said in them, that they had told Garndolfo and his lawyers about their testimony, long, long ago, and the court had to deny the motion for new trial on the new but old evidence.

Said Mr. Pugh: “This is a trick, Mr. Hodge—one of your old tricks, Adam Hodge! You have tricked us! What right had you to meddle with our witnesses this way?”

Hodge—“I wanted to *cross-examine* them, and as you, on the other side, did not give me the chance, I and brother Leake took it, and here is the result—did n’t we, brother Leake? So you see, may it please the court,

though it displeases my learned opponents, I was compelled to compel the truth in this case to *leak* out.

A SUCCESSFUL CANDIDATE FOR PROSECUTING ATTORNEY
AND A SUCCESSFUL DRAMATIST ON THE
SAME DAY AND NIGHT.

In days of yore, the democratic party were continued and continuous successful politicians in Hamilton county, and all the ambitious sprigs of the law used to be democrats. It was really astonishing how numerous the young democratic lawyers used to be in the days of the old court house, and they were all ambitious for official position—always candidates for the legislature, or for the important office of prosecuting attorney, which office was, of course, directly in the way of their profession. In the fall of the year 1846, there were eight aspirants among the young lawyers for the democratic nomination of prosecuting attorney, and one of these, was victor, handsomely beating his seven competitors in the democratic convention held at the town of Carthage, by a large majority. This young lawyer was also somewhat ambitious to win and wear, and have and hold, the honors of a dramatist. So he had written an entirely new and original comedy, and had given it for production to the manager of the old National Theatre, of Cincinnati, and it so happened that on the very night of the day when he was nominated for prosecuting attorney, his comedy was to be produced for the first time on any stage, on the boards of the National. Having been a successful politician and nominated for an important office in the day-time, against seven talented and worthy political rivals, what was to be his dramatic fate at night? In the latter he himself was much more interested than in the former. His seven competitors,

envious and jealous of his political success in the day time, and growing enraged and quite mad over it, firmly determined and resolved that he should be most signally *defeated* in his dramatic ambition at night. So they all resolved to be present together in one box at the National Theatre, and hoot and hiss him and his play, off the stage, and out of the theatre. The night came on, and the successful young politician and yet untried dramatist was gratified to see the auditorium of the theatre crowded with most respectable and intellectual people. But he happened to cast his eye over to a box near the stage and there he saw all of his day's political rivals sitting clubbed together, and ready to club him, although he perceived them not armed with clubs. What were they there for? "To be, or not to be" was a grave question with him now, as it was with Hamlet, and what were these rival candidates doing there in that box? Did they mean to damn his play, and thus undo him? For then he thought like Iago, "This is the night that makes me, or foredoes me quite." What—what were they all there for? It must be *to hiss!* It could not be else. They had been defeated at Carthage and now they were turned into living Gr-geese. It must be so. But, "the play's the thing," thought the young dramatist, and may be it will catch their "consciences," as well as that of "the king."

The curtain was rung up and the comedy commenced, and the author watched his democratic rivals in the box. They were silent, though the rest of the audience wildly applauded the situations and incidents and characters of the comedy on the stage. The play progressed, and the young, anxious author still watched the rivals in the box. Directly, one of them began to laugh, and then another, and then another, and finally they all broke out into a

large and loud guffaw, which they could not help, because of the funny scene occurring on the stage. And then the scene closed, and the audience broke out into the very loudest applause, and so did the rivals in the box, and so they continued with the audience until the end of the play, and then the applause became rapturously universal and all joined, the rivals in the box and all, in calling for the author of the comedy. Finally, the author, *in propria persona*, made his appearance upon the stage before the curtain and behind the footlights, and turning his wistful and wishful eyes towards his rivals in the box, he found them sweet-tempered and kindly, and ready to approve and applaud what he said; and he made his speech, and he and his comedy were declared *a dramatic success* by all the audience, including the forgiving and forgetful, and mindful and attentive rivals in the box. After the play, the first persons to take him by the hand and greet him were the rivals, not now in the box, but out of it to give him their congratulations; and thus, in the success of the youthful dramatist that night, at the theatre, were, at once and forever, buried all the political animosities of the political day, and every one of those rivals who were in the box made speeches and canvassed the county for the candidate and dramatist, and made him a successful candidate for the office of prosecuting attorney of Hamilton county.

HABEAS-CORPUS FOR A DOG!

We have had occasion more than once to refer to the *ass-ociate* judges of the old Common Pleas, and their singularities and peculiarities as judges upon the bench. It will be well remembered that we have often said, that they were not distinguished for great learning, or legal

lore. Well, as once before we have said, these sometimes stocks on the bench, were great on the great writ of *Habcas-Corpus*. We shall now tell a true story when and where one of the old fellows was decidedly great, particular and peculiar upon this celebrated writ of right, this palladium, this *sine qua non* of liberty and freedom, the *habcas-corpus*. Old Ephriam B—n, an old farmer, was one of the associate judges of the Common Pleas of the old court house, in the year 1845, and one day, lawyer Cunningham, already known to our attentive readers, applied to the aforesaid judge for a writ of *habcas corpus* for the liberation of a big “yaller dog” from the *durance vile* of a claiming owner, who was a Dutchman of the broad and gross kind. The ignorant and cunning shyster duly and tolerably legally, made out his application for the writ of *habcas corpus*, giving in his petition, the name “Watcher” of the dog, and declaring that the “aforesaid dog Watcher was restrained of his liberty, by one Hans Gotfried, then, and there being to-wit, in the county of Hamilton aforesaid,” and asking for an immediate issue of the constitutional writ of *habcas corpus* for the liberation of the dog, and he made his way to the court house, and caught Judge B—n in the old court room, and handing him the petition, began :

“May it please your honor, here is an application for a writ of *habcas corpus*, which, by the Constitution of the United States and of the State of Ohio, no judge can refuse to grant when applied for. Here is my petition, may it please your Honor.” And Cunningham handed Judge B—n his petition, and the old judge took it and read it and examined it and ejaculated :

“Why, Mr. Cunningham, this petition is for a *dog*.”
Lawyer—“No matter for that, may it please your

Honor. The writ of *habeas corpus*, by the constitution and the law,—the great writ of right, the *magna charta*, the declaration of independence of our liberties,—is of universal application—to man, and beast as well.”

Judge—“Is that the law?”

Lawyer—“It is, most undoubtedly. I can produce lots, myriads of precedents in the books for it. *It is the law.*”

Judge—“Well, if you know what the law is, I will grant the writ, for a dog, if he behaves himself, is as good as an uncertain white man, any day.”

And the old judge took up his pen, having adjusted his spectacles on nose, and dipped it in the black ink, and wrote on the back of the petition :

“*Let the writ of habeas corpus issue for Wachter, returnable forthwith.*

“EPHRAIM B—N, *Ass. Judge.*”

Lawyer Cunningham hurried to one of the deputy sheriffs with the writ, took him along with him to the dog Wachter and the broad and gross Dutchman, and the deputy sheriff arrested and brought them up, together, forthwith, to the court house and the court room, before Judge B—n, patiently awaiting results.

Sheriff—“I have produced the body of the dog Wachter and the body of the Dutchman, Hans Gotfried, into court.”

Judge—“It is well. And now proceed with the cause.”

Lawyer—“This Dutchman took this dog away from my client, without warrant or authority.”

Judge—“Is that so, Hans Gotfried?”

Hans—“Dat ish not so. Mein Gott! De man vat pes owner of de tog, owes me nine tollers, und I dakes de tog for it. Dat is so!”

Judge—"So this is the way, Hans Gotfried, you take the law into your own hands, is it? We will teach you better business. Mr. Sheriff, deliver up the dog immediately to Lawyer Cunningham and his client; and you, Hans Gotfried, be off at once, for, if you stay here another minute, I will put you in jail for contempt of court. This court is now adjourned."

And so the comedy ended. The sheriff delivered up the dog Wachter to Cunningham and his client, who gladly took him, and the Dutchman escaped from the precincts of the court; and the old judge, of wisdom, and justice and law, rested upon the bench, with his arms a-kimbo, looking through his spectacles, and—*thrilling tableau! slow curtain, and end of play!*

LAWYER COVERDALE AND THE LATIN DIFFICULTY.

There was a lawyer in old times named Coverdale, who had knowledge of law and things, but somehow or other was given to low tastes, and low company. As we have said of another old lawyer in these pages, he much resembled "mine ancient Pistol," and was closer in the resemblance than the old lawyer Gaines, because he was young and flourishing. He was not learned especially in the law or anything else, and as for the Latin phrases of the law, and Latin words and phrases generally, he had almost a supreme contempt. One day in court, he was engaged in quite an important and somewhat tangled law case, and his learned opponent happened to be a very distinguished lawyer, and it was hard, very hard for Coverdale to keep up with his adversary's Latin law phrases and Latin citations. At an opportunity, the eminent lawyer in addressing the court to the legal points of the case, exclaimed by way of emphasis and confident

assurance: "May it please your honors, in this matter there is so much authority, that I speak *ex cathedra*!" and sat down.

Now, this "*ex cathedra*" business bothered the Pistol lawyer, but from the sound of the phrase, he ventured on an appreciation of it, and he triumphantly ejaculated: "May it please the court, my distinguished opponent says he speaks '*ex cathedra*.' I am not at all astonished, for I saw him in the Cathedral the other day, and I know that Archbishop Purcell is a very great friend of his. But I want him to distinctly understand that *no Catholic Cathedrals* will *vail*, or *avail* him in this case.'

THE OLD JANITOR AND HIS AMBITION TO
BE AN "ASS——" JUDGE.

Among the singularities and curiosities of the old court house was the old fossil janitor. He was a Dutchman, and how he got to be janitor of the old court room, I suppose, was owing to his extensive acquaintance with the families of citizens, for he had been a milkman, and used to have his dairy on the front side of Mount Ida, now called Mount Adams, which was then thickly covered with a forest of the finest trees, except the grounds of the old milkman. His name was plain, John Fauber, and he used to smoke the very dirtiest and most noxious of tobacco pipes, the fumes of which would still remain in the old court room after he had laid aside the pipe, and the court was in session, to the discomfort of sensitive smelling judges and lawyers. It was the duty of the old Dutchman to keep the court room clean, to make and keep up the fires in the winter time, and see to proper ventilation in the summer time, and, above all, to attend to the gate of the bar, and admit within the sacred precincts no intrud-

ers—no one at all, except judges, lawyers, and officers of court, witnesses, and those having business with the court, and to this duty he attended so diligently and strictly, sitting by the gate, that he frequently gave much offense. He was a singular and curious old Dutchman, and Dutchmen though so abundant and plenteous now, were scarce and scattered in those days. He had some Dutch humor, and even wit, and he was sometimes a source of amusement and entertainment to judges and members of the bar.

He used to have a good deal to say in his Dutch way, about the associate judges of the bench, and always wondered what they were for. He thought they were mere stocks or dummies on the bench, and of no use except, perhaps, for ornament, as the presiding judge who sat in the middle of the bench seemed to do all the business of the court. He would say, “*Vat in de tuyvel pe dose fellers for, anyhow? Dey doesn't do noddings. Me, mine own self, does a great deal more vork in de court as dey does. Vat pe dey for, anyhow?*” And the matter continued a wonder to the old, smoking Dutchman. There was about to be a vacancy of the seat of an associate judge upon the bench, and in those days, the legislature of the State had the election and appointment of the judges. Some funny and fun-loving members of the bar persuaded old Fauber that he could easily be appointed associate judge; if he would get up a petition, all the members of the bar would sign it for him, and his election would be sure. Fauber did get some lawyer to write him up an orderly petition to the legislature of the State, and, for a great joke upon the associates, very many of the lawyers signed the petition at the request of the Dutchman, and the presentation of his petition to them. Some

other lawyer, on Fauber's request, inclosed the petition in a large envelope, and addressed it to the Speaker of the House of Representatives, and Fauber paid the postage, and sent it. It was received at Columbus and was presented in the legislature, and when the time of election began to approach, it was noised and newsed about among the lawyers here, that one John Fauber was so highly recommended by the members of the bar that he would be elected associate judge of Hamilton county, and the judges, of course, heard of it, and they joined together and sent a remonstrance, and accomplished the defeat of the ambitious Dutch janitor by telling the legislature who he was, and what he was. Old Fauber was expostulated with for his overleaping ambition to adorn the bench, and he gravely and seriously and solemnly replied, "Vell, vat of it! me pes a free citizen, and vat uf I pes a Dutchman—hasn't I de right to pe a shudge? I could make so good a shudge as dem tam fellers! Vy, vat dey does, anyhow? Dey only sits dere on de bench, on deir booms all day, and does noddings, and I could do noddings, neder, on my booms all day, so vell as dey." The argument was considered invincible, and it was much lamented that Fauber had not had his day—to "does noddings."

THE LAW FIRM OF RIDDLE & ROLL.

Brothers Adam Riddle, and Edward Roll, afterwards clerk of the old court, used to be partners in the law, and "Riddle & Roll, Attorneys at Law," was their white and black sign on the outer walls. Many a countryman used to read the sign and wonder. One day, a legal wit said to an admiring countryman—that's a good firm of lawyers—one *riddles* the clients, and the other *rolls* them up again. And the countryman gravely asked "if that was true?"

LAWYERS DICK STONE AND FRANK CHAMBERS.

No lawyer was ever more fond of practical jokes than brother Richard H. Stone. He and brother Chambers were particular friends on a time. Dick used to wear an abundance of flowing brown hair, beard, whiskers and moustache, and for this rare wearing in early days, being a quite handsome little man, he was quite conspicuous and distinguished, and he was particularly known to, and recognized by his friend Chambers for his flowing hair, and beard, and whiskers and moustache. Though Dick's surname was Stone, he was far, very far from being one, though he sometimes cast stones at those living in glass houses. One day in full court, and bar, a small, good-looking gentleman, with short brown hair and smoothly-shaven face and chin, presented himself within the bar of the court, and was not recognized by any one as lawyer Dick Stone, and Dick now saw his opportunity. Among other lawyers, he was introduced to me, not as well known Dick Stone, but a freshly arrived brother of the distinguished Dick, who had just come to Cincinnati from Virginia, and I shook hands with him, and believed him a man, and his brother. Frank Chambers was engaged in a case at the bar, and soon there was a recess of court, and versatile Dick Stone was introduced to his friend Frank, as the newly arrived brother of his friend Dick. Frank shook his friend's *brother* earnestly and warmly by the hand, and after the most friendly salutations and greetings, entered into a long conversation with him. "Why, haven't you seen your brother Dick, yet, said Frank?" in surprise at the suggestion of Dick, that he had just come from his hotel to the court house to see his brother Dick,

not knowing where he lived, and being an entire stranger to, and in the city. "Why, I will take you with much pleasure to your brother's home, it is not far, so come along with me!" and forthwith Frank started off with Dick, and one or two of us young lawyers and friends of Dick, went along. Arrived at Dick's home on Vine street, Frank approached the front door, and earnestly pulled the bell. Dick's wife came to the door, and said Frank, "why, Mrs. Stone, I have brought your brother-in-law along with me—from Virginia—allow me to present him here!" "Why, Mister Chambers, *that is my husband!!!*" And Dick and all of us burst out in a boisterous laugh—all except poor Frank Chambers—who, taken all aback—looked, and looked again and again at cropped haired, closely and cleanly-shaven Dick, and at last exclaimed—"why, Dick, where in h—l have your hair and beard gone?"

After that, there was a dinner and a treat all round, and Frank Chambers paid the bills for Dick, and his brother lawyers!

LAWYERS PRUDEN AND FRANK CHAMBERS.

Frank Chambers was a Kentuckian, son of one of the celebrated governors of that State, and as such, though possessed of much peculiar chivalry, was also possessed of much awful superciliousness, and absolute arrogance, sometimes not to be endured. He was much engaged in criminal trials, and had frequent onsets and onslaughts with prosecuting attorneys. Andrew Pruden was once prosecuting attorney, and though a serious plodding one, he was a very *prudent* one, and he made a good record. In a certain criminal murder case, being tried before Judge Jacob Flinn, Chambers and Pruden

were pitted against each other. I say *pitted* against each other, for it proved so. Chambers was very overbearing toward the prosecuting attorney, and tried to overwhelm him by his arrogance and superciliousness, but this he did not succeed in doing—not at all—for lawyer Pruden as was his wont, was wise and careful, and did not throw back, nor even resent the many even gross insults that Chambers in the course of the trial, absolutely heaped upon him. Chambers, to prepare his throat for speaking, was engaged in sucking a lemon, and tearing off some of the peel in a moment of arrogant humor, threw it over the table, into the face of brother Pruden. This was the feather that broke the camel's back. Pruden could not stand this, and then and there sprang over the long lawyer's table, and literally "pitched in" to Chambers, although he was much larger and apparently stronger than Pruden, and throwing him down upon the floor, gave him a first-rate basting, and lawyers, and even the judge of the court, and certainly all the bystanders thought and said, "served him right." After this, the case went on in better order, and this was about the last of Frank Chambers exhibition of Kentucky chivalry in Ohio. Score more than one for Pruden!"

LAWYER FRANK CHAMBERS AND THE WONDERFUL
SHOT FROM THE GUN.

We must tell about a curious and wonderful incident appertaining to a remarkable case of crime, wherein Colonel Frank Chambers was counsel and advocate for the prisoner. His client was indicted for murder in the first degree, shooting a man to death while lying asleep in the bunk of a flat boat moored to the shore of the Ohio river near the mouth of the Little Miami. Soon after the

shooting, the prisoner was found near the locality, with a shot gun in his hands, the single barrel of which had been but recently discharged. The prisoner was arrested and the gun taken away from him, and safely deposited with the prosecuting attorney of the county, who securely kept it with the barrel discharged as it was, until the trial. At the trial, all this was proved, and a great deal more, plainly convicting Chambers' client of murder in the first degree, and consigning him to the scaffold. This discharged gun itself was an item of the most exceeding important testimony in the case, and was taken in hand both by Colonel Chambers and the prosecuting attorney, and variously handled, and manipulated before the court and jury. Sometimes the gun was pointed right at different members of the jury, and once even at the judge upon the bench, by the counsel for the defence, to show how utterly impracticable, if not impossible it was, that the defendant should have used and pointed the gun at the deceased, from the peculiar course and direction of the wound in his body. Noon-time came, and there was a recess of court, and everybody left the court room and the court house to take their dinners. At about two o'clock, the judge of the court, was about entering the court room, when getting within the room, he heard the loud report of a discharged gun. He hurried further into the court room, and there all alone he found his little court messenger-boy, holding a gun in his hand to the floor, and pointed to the ceiling and trembling with affright, and nearly dead with alarm and trepidation. Says the boy: "Oh, judge, this gun went off in my hands, look, look! at the bullet-hole in the ceiling," and he directed the eyes of the judge to a hole in the ceiling.

“How was this, and how is this?” said the judge.

“I know not,” replied the boy. “I just came into the court room, and seeing the gun in the corner of the clerk’s desk, I took it to examine it, and while I was doing so, I placed the butt of the gun on the floor, with the barrel and muzzle pointing to the ceiling, and I pulled back the hammer, and the gun went off, nearly scaring me to death.”

The judge took the gun.

By this time, jurors, and lawyers, and audience assembled, and the prisoner was brought by the sheriff into court, and the judge took the bench, and opened court, and then, as the best thing to be done under the circumstances, he ordered the sheriff to close and lock the court room door; and then he called to the witness stand every person in the court room, to examine them in reference to the gun; but not from a single soul, could the court gather any information at all. The next thing, the court ordered the prosecuting attorney to forthwith subpoena all the expert gunsmiths in the city, to find out, if possible, from their testimony, how a gun could be most readily loaded with ball and cartridge. The gunsmiths came and testified, and from them much practical information was elicited, as to the facility and readiness with which a gun could be loaded with ball and cartridge, merely dropping prepared ball and cartridge into the barrel of the gun in a single moment or instant. From the tear in the ceiling, on inspection, the gunsmiths universally testified that the load of the gun must have been a patent minie ball and cartridge, and all that it was necessary to do to load a gun, was to put such a thing into the muzzle of the gun and let it fall, put a percussion cap on the teat of the gun and cock the hammer, and the gun was fully

prepared to shoot. The court again called witnesses from the audience to find out, if possible, who put such a ball and cartridge into the gun, and examined Colonel Frank Chambers, the counsel for the prisoner, himself, but nothing of any importance was elicited, every witness declaring that he knew nothing at all about it. All testimony being painfully gone through with and exhausted, the case after arguments of counsel went to the jury, and resulted on account of the doubt raised in the minds of the jury, as to whether the gun was loaded in the hands of the prisoner at the time he was arrested, in a verdict of murder in the second degree; and from that day to this, it has never been found out about the *wonderful shot of that gun*, though it was sort o'suspected by some that the chamber of the gun had been tampered with by the Chambers of the bar. That it was found recently discharged in the hands of the prisoner when arrested, was abundantly testified to, that it was discharged with a very loud report in the hands of the court messenger-boy, in the recess of court, during the progress of trial, was a plain matter of fact, known to the judge himself, who heard it, and almost saw it, and testified to before the jury. Who loaded that gun in the recess of court? That was, and is still the question, and it will never be certainly answered? It is yet among the marvels of the court house, and will remain so.

THE PROSECUTING ATTORNEY AND THE TROUBLE-SOME INDICTMENT.

The prosecuting attorneys of the old court house used to have a good deal of trouble with their indictments to get them strictly legal and accurate; for well they used to know that the least inaccuracy of statement, legal or

otherwise, would subject them to the immediate attack of a swarm of young lawyers, worse than a swarm of hornets, and their stings would most generally prove fatal to the case in which they were inflicted. On this account, when I became prosecuting attorney for Hamilton county, I, by a great deal of daily and nightly labor, originated and compiled a complete Form Book of the indictments for crime, as defined by the statutes in this State, and from this form book, I had blank forms of indictment printed in good style, and these were of immense use to me with the grand jury and the court, and on account of this and my diligence and industry and accuracy with my indictments, I have this, with becoming modesty enough, to boast of, that during the whole two terms that I was prosecuting attorney, I never lost one single indictment on account of any flaw discovered in it. These printed, blank forms of indictment of mine, I left to my successors in office, and I have been informed that they have been in use, more or less, ever since the days of the old court house, and most satisfactorily and successfully, I believe.

With this preliminary, quite necessary to fully understand, I have the following story to tell of one of my successors in office. The judges of the old Court of Common Pleas were surprised one day by the prosecuting attorney's asking to enter a *nolle prosequi* on two indictments against a defendant for murder in the first degree by poisoning. The presiding judge asked the reason—the grand jury being present in court ready to make a final report of a batch of indictments. The prosecuting attorney arose in his place and said to the court that the present grand jury would report two other indictments in lieu of the two which he desired to *nolle*. Without asking further, the presiding judge remarked that, that being the case, the

nolle prosequi might be entered upon the minutes of the court, and this was, by order of the court, accordingly done, and two other indictments for the same poisoning crimes were accordingly reported, endorsed "true bills" by the grand jury. All this being through, the presiding judge had the curiosity to ask, not the prosecuting attorney himself, but the more intelligent assistant prosecuting attorney, privately, the why and wherefore of such an anomalous proceeding, and the assistant said that those two first indictments made out by the prosecuting attorney were fatally defective in describing the *corpus delicti*, and would not have stood fire for a single moment, and the fatal defects were first fortunately discovered by himself, after the indictments had been reported by the grand jury, for not fully confiding in the legal acumen of his principal in a matter so important, he conceived it his duty to examine the indictments after they were reported, and he then discovered the great mistakes in them. Of these he said he immediately informed the prosecuting attorney, but the latter was obstinate and obdurate, and boldly insisted that the indictments were right and drawn strictly according to law. The assistant replied that he well knew they were not correct indictments. The prosecuting attorney lustily contended that they were all right—he knew they were all right. The assistant as lustily contended to the contrary, and almost a quarrel ensued.

At last the prosecuting attorney said, in angry triumph over the assistant:

"They were good indictments—he knew they were good indictments, for he had copied them word for word, except the names, from Alf Carter's indictments in similar poisoning cases."

"I'll bet you," said the assistant, "you did n't."

“I’ll bet you anything you want, I did,” rejoined the principal.

“Well,” said the assistant, “I want a new hat—I will bet you a six-dollar new silk hat, that you did not copy *accurately*, if you did take them from Carter’s indictments.”

“Agreed,” replied the principal, and forthwith the parties repaired to the records, and found the Carter indictments, and on comparing them with the defective ones written up by the prosecuting attorney, it was found that at least thirteen written lines describing the body of the crime incorporated in the Carter indictments, were wholly left out in the two defective indictments, and the alarming and startling fact was pointed out, and at last recognized by the now alarmed and startled prosecuting attorney, and he tremblingly declared:—

“What a mistake I have made—why, look here, I see how it is—I see how I made the mistake—see, here are the words—‘deliberate and premeditated malice’—in the tenth line, at the beginning, and then here are the same words at the beginning of the twenty-third line. In my copying I must have skipped the whole thirteen lines and wrote right on.”

“That is exactly what you did, you wrote *right* on, but not *rightly* on;” quickly retorted the assistant, “and now I want my hat.”

The hat was paid, as was deserved, and this timely discovery of the assistant prosecuting attorney, well illustrated the truth of the old maxim—that “*two heads are better than one, if one is a sheep’s head,*” as in the case at bar!

THE PROSECUTING WITNESS WHO TOOK THE PROSECUT-
ING ATTORNEY BY SURPRISE, AND THE
FINAL TRIUMPH!

A man by the name of Elijah Wood had been indicted by the grand jury for forgery—forging the name of James Ludlum to a promissory note for eleven hundred dollars. The evidence before the grand jury had been plain and conclusive for finding the bill of indictment “a true bill.” Old Dr. Ludlum, then extensively known by advertisement, had sworn that the signature to the promissory note, of his name, was not his handwriting, and was a direct forgery, and that it had been executed by the defendant Wood, who was also generally well known as a rascal. The day of trial came on in the old Common Pleas Court room, and the prosecuting attorney was ready for the State, and lawyer Storer was ready for the defence of Wood. The jury was sworn, and Dr. Ludlum, the prosecuting witness was called to the witness stand, and duly sworn. The forged promissory note was placed in the hands of the witness, and he was asked if the signature was his handwriting, by the prosecuting attorney.

The old doctor took the note in his hand, and put on his spectacles, and looked and looked at the signature, and held it up and down, and examined it and re-examined it, and at last, said: “Mister Prosecuting Attorney, I swore before the grand jury that this signature was *not* mine, but I am convinced, and am compelled *now* to say, that *it is my signature!*”

“What? what?” exclaimed the State officer; “what, Doctor Ludlum!”

Witness—“The signature is my handwriting, but I

declare, I never put it to that promissory note. I remember nothing at all about the note. I never gave such a note to the prisoner, Elijah Wood, and never had any business transaction with him. I do now remember and recollect that the fellow Wood, came to me one day at the town of Carthage, where I lived, and the defendant lived too, and got me to sign my name to a petition for the pardon of some fellow out of the penitentiary, and I remember I was the first signer, as there were no other names to the written petition, and this is all the time I ever signed my name for Elijah Wood."

The prosecuting attorney now took the note, in his great surprise, and set to work examining it closely, and holding it up between his eyes and the light, he thought he discovered and discerned the words "*Your Excellency*" almost entirely obliterated however, just above the date of the promissory note. But he did not break out about it, and he kept it to himself, and went on examining the witness as if nothing remarkable had happened.

It came the time for cross-examination, and Mr. Storer did that thoroughly, and really broke down the State's case, for he made the prosecuting witness say at last, that he might have signed the note in a moment of absent mindedness. In the meantime the prosecuting attorney sent a *forthwith* subpoena for the celebrated chemist, Dr. Locke, and after the cross-examination of the prosecuting witness was through, Dr. Locke arrived in the court, and the State officer called him to the witness stand to the surprise of Mr. Storer and his client, for the chemist was an entirely new and novel witness. The State's attorney then proceeded to examine Dr. Locke, touching the fact, and the mode and manner of obliterating ink writing upon white paper. And the doctor

testified that it could be done, and told how, and by what chemicals it could be done. The prosecuting attorney then handed the witness a magnifying glass and the forged promissory note, and told him to examine the document, and see if there had been at any time, *other* writing upon the paper. The witness examined at once, and examined thoroughly, and finally said: "The paper of that promissory note has been written on before, and the previous writing has been obliterated or erased or extracted, and I now discern some remnants of the previous writing, and if I mistake not, there are the words '*Your Excellency*' obscurely remaining at the apparent blank top of the note."

"That's it—that's it," exclaimed the State's attorney in delighted triumph, "and here gentlemen of the jury, take the note and the magnifying glass, and each one of you examine for himself." The note and magnifying glass were handed over to the jury, and the result was convincing and *convicting*, and now all the other evidence in the case for the State, and for the defence, and the speeches of counsel amounted to little or nothing, and the jury found a verdict of "guilty, as charged in the indictment." So much for the triumphs of science in the law. Lawyers all should be men somewhat addicted to science, as well as—law! scientific lawyers—so to speak!

HOW THE DEFENCE WAS SURPRISED BY A FRIENDLY WITNESS.

In another celebrated forgery case in the old Court of Common Pleas, the counsel for the defence and the defendant himself were much—very much surprised. The testimony for the State did not make out a very plain case against the defendant, and if the counsel for the

defendant had called no witnesses, he might readily have acquitted his client. But he desired to make doubt surety. He was taken by surprise, alas! There was much doubt as to whether the alleged forged promissory note was forged or genuine. Experts to prove it a forgery had only been called by the State, and their evidence, as lawyers and judges well know, is always somewhat unreliable, and should not, of itself, convict any one. But the counsel was extremely anxious to triumph in the complete innocence of his client, and he called to the witness stand as first witness, a friendly member of the firm upon whom the note was forged, to prove it genuine. The friendly witness took the note in his hand, and tremblingly examined it, and at last fearfully exclaimed:—“*My God, gentlemen, this is a forgery!*” And this was enough—this convinced every body, and convicted the prisoner.

HOW THE STATE MADE OUT HER CASE, BY THE
EVIDENCE FOR THE DEFENCE.

I remember a singular case of a trial for the larceny of some bank notes, for the defence in which the eminent ability of lawyer John Brough was engaged. The evidence for the State against the prisoner had closed, and left it extremely doubtful, whether a crime had been committed at all, by the prisoner. The prosecuting witness had evidently lost a considerable sum of money, all in bank notes, and they were found in the possession of the defendant, but it was extremely doubtful whether they had been stolen, or were honestly found by the defendant, with the intention of honestly restoring them. The prosecuting witness could not swear that they were stolen, or no other witness for the State, and the prosecuting attorney was about to give up the case, when to

his great surprise, the counsel for defense without moving for a discharge of the prisoner, as he ought to have done and successfully ; called John Hawk a dilapidated looking witness, who it seems was a hawk by nature as well as name, as a witness for the defence, to the witness stand—and proved by him the character of the defendant as being that of an honest man, and stopped further questioning. The State's attorney now took the witness to cross-examine, and literally took hold of him, and sifted him thoroughly, and learning from his testimony that he was a pot companion of the prisoner, succeeded in proving by him, that on a certain time in the night, when the prosecuting witness was in a crowd at a mass meeting, the defendant *stole* the bank notes from the side pocket of their owner, and possessor, and on this testimony of the *corpus delicti*, the prisoner was convicted, and without which, he could not possibly have been convicted. *Moral*, to lawyers as well as all—let well enough alone ! or citing the language of Falstaff : “ save me from my friends.” Amen !

GEORGE E. PUGH,—A LAWYER OF WONDERFUL MEMORY.

One of the most able, intellectual and brilliant lawyers I ever knew was George E. Pugh, who was admitted to practice law in the days of the old court house, and was for several years a member of its bar of talented lawyers. His memory was most remarkable, and many times he would astonish the court by citing principles of law, and book, and case, and page, without the presence of the book, or notes, or brief, of his own.

On one occasion he was all alone, engaged in the defence of a celebrated case involving a great part of the Elmore Williams estate, and on the plaintiff's side, against

him, were those two distinguished lawyers Thomas Ewing and Henry Stanberry. The long table before the bench was filled with a hundred law books, placed there by the plaintiff's lawyers, and from them, taking each one up and reading, Mr. Stanberry cited his cases and occupied several hours in so doing. Mr. Pugh replied to Mr. Stanberry, and without brief or notes, or taking up, or reading, from a single law book, he cited from his own memory all that Mr. Stanberry had quoted, and then, in addition, cited more than thirty different law books—cases, principles, and points and names of cases, and pages of books where they were to be found, on his own side of the case, without in a single instance, using books, notes, or briefs. It was truly a most unique and remarkable mental performance, and after he got through, the presiding judge of the court called Mr. Pugh to him to the bench and asked him "how in the world he did it?" Pugh modestly replied, "Oh, for these matters I always trust to my memory, and while that serves me, I want no books or briefs before me." What a valuable memory! By it, too, Pugh won his case, as he did many others.

LAWYER PUGH AND HART, AND THE PROSECUTING
ATTORNEY.

Lawyers George E. Pugh, and Sam Hart were brothers-in-law, and once together in the partnership of law, and they constituted a great firm, a very great firm of legal lore, and acumen. They frequently appeared in court together, particularly in important criminal cases. Pugh, or "George," as in his young days he used to be familiarly called, was gifted, and a more bright, luminous, and intellectual man and lawyer never perhaps was at our bar; but he was sometimes

arrogant and supercilious in his conduct in managing his cases. Hart was also very bright, and he was pompous and demanding, and exacting frequently in his conduct. On one occasion, they were together engaged in the management of the defence in a celebrated murder case, and the case in the testimony was pretty plain, and convincing, and convicting as against their client, and in this important respect, the prosecuting attorney felt, and knew that he had the decided advantage of his adversaries. Hart was very pompous, and full of fuss and feathers in his conduct of the case; and Pugh was more arrogant and supercilious in his behavior towards the State's attorney, than he ever was before, and at last, the joint behavior of Hart and Pugh made the prosecuting attorney *mad*, and he jumped up in his place, and said to court and jury: "That if this pomposity and fuss and feathers on the one hand, and dogmatic arrogance and haughty superciliousness, on the other, were not put an end to at once, he would ask for the intervention of the court."

"Why," said the State's attorney, "here we have General Bombastes Furioso, who would be captain of everything, and we have too, Jupiter Tonans, who hurls his thunderbolts, without, however any lightning, or any enlightening of anybody, and what a mephitic smell of arrogance and superciliousness he raises, it is a positive stench—OH! PUGH!! I beg the gentlemen to hold his arrogant, mephitic wind. I do not see how he has the *heart* to do it.

This timely sally put an end to further trouble, and the intervention of the court was not necessary. The State's attorney was safe!

BRIBES TO PROSECUTING ATTORNEYS.

The office of State's Attorney has always been, and is one of the most important of all the offices in the county. For the most part, in the history of Hamilton county, it has been filled by young lawyers, and I am happy in being enabled to remark that for the most part, it has been faithfully, honestly, and capably filled. I have never known of any case of bribery of our prosecuting attorneys—although I once had occasion to strongly suspect such a case. But fellows, or rather *fellers* would willingly bribe the prosecuting attorney if they could, and all sorts of ways are resorted to by parties interested, to get on the better side of the State's officer. I shall narrate two instances in my own experience: When I was prosecuting attorney, I had occasion, one day, to go into a large jewelry store, to see about repairing my watch. The jeweler treated me very politely, and taking my watch, he said: "Why, you ought to carry a better watch than this, occupying the position you do," and he took from his case a beautiful gold watch, and begged me to accept it as a present from him, and a slight token of good will. I refused the gift in wonderment why it was offered, and did not find out, until the next meeting of the grand jury, when I found that a near relative—a brother of this same jeweler, had to be indicted for forgery, and he was so indicted, and tried and convicted, and sent to the penitentiary for four years. On another occasion, I was surprised by one of the most respectable men in this city putting into my hand, on my shaking hands with him, ten ten-dollar gold pieces. I did not take them into my hand, but left them in his, much against his will. Afterwards I found that this respectable and *honorable* (?) gen-

tleman was much and particularly and peculiarly interested in the trial of some four fellows for burglary. But they were all convicted, and sent where they belonged.

THE DEPUTY SHERIFF!!!

In these growing and grown reminiscences and anecdotes, it is now high time I should "*come to Hecuba,*"—it is quite time to seize the opportunity to record something of the remarkable doings, and sayings of that long-serving and long-standing (in his shoes and in office) deputy sheriff of the old court house of the olden time—that queer, quaint, sometimes querulous, never quarrelsome,—that simple, sincere, solid, sober, sometimes serious, but never sanctimonious, always social odd fellow and important personage, well known to all of yore, and christened and surnamed

JOHN STALEE!!

Among judges, officials of court and lawyers, he used to be the man of all men. In person he was long, lank and limber. He stood fully six feet high in his shoes, and when aroused in the performance of duty, fully six feet higher. His legs were long, his arms were long, his body was long, and his head was *long* in every sense. He was just a little stooped in the shoulders, from his habit of thinking so much of his duties, and thus carrying his head forward and downward. His face, features, and lines of head were a model for the sculptor or the painter, and would well have served as a subject or an object for the poet and philosopher. The top of his head, where the hair ought to grow, like that of Old Uncle Ned, was cleanly, clearly, and scrupulously bald, so that it showed and shone like polished porcelain, and looked

like it might have been the bottom of a white china saucer turned upside down and set in a circle of hair around the edges. His bald pate shining at the sheriff's desk, daily and hourly and minutely, was something like the sun, and shed light on the lawyers and things around. Everybody knew Stalee when his hat was off, and this was always doffed, except when on duty out-doors in the streets of the city. His face was oval-formed, with a high, bright forehead, large, aquiline nose, (after the style of old Grimes, from all accounts of him,) small, grey-blue, penetrating eyes, when particularly directed, and a handsome mouth and chin, and his complexion was pale and sallow. His neck, which held up his head, when it was held up, and that was seldom, on account of his reflecting sense of duties, was somewhat long before, but quite short behind, and an Adam's apple looked like it was going to issue sprouts from his throat. His was a remarkable and conspicuous figure at the sheriff's desk in the court room of the old court house; and that figure stood and was maintained there for more than a quarter of a century; for, no matter for the changes of politics, no matter for the changes of sheriffs, democratic, Whig, Know-nothing or otherwise, Stalee, *the* deputy sheriff, was a *necessity*, and no sheriff could, possibly, practically get along without him. He commenced being deputy sheriff away back in the last of the twenties, under Sheriff Avery; was continued by Sheriffs Hulse, Fosdick, Garrard, Smith, Weaver, and the rest who succeeded, and, living up to Know-nothing times, even in the days of the beginning of the new court house, he was continued deputy sheriff in his old age, by my persuasion, and at my instance, when judge of the court, by Gassaway Brashears, then the competent and able sheriff of Hamilton county, elected by the

Know-nothings. So that he lived and died *the* deputy sheriff. No official, and no person, ever knew more about a court house—the court itself—the judges, the lawyers, and all the duties of all the officials, in addition to the sheriff's, than did young, matured, and old John Stalee. No officer of court, ever performed his duties more intelligently, more willingly, and more efficiently than our old friend. No person ever understood and appreciated the respect and regard due to a court better than Stalee, and when the court ordered Stalee to do a thing *it was done*. Never was there even a scintilla of disobedience of the orders of the court charged to his account. To obey was his life and his law: to do his duty was a part of his soul. Such a character as described, of course, must have been singular and peculiar, original and unique; and no one perhaps was ever found like him.

“He was a man, take him for all in all,
I shall not look upon his like again.”

STALEE, AND THE LOST HYMN-BOOK.

While Stalee was serving as deputy sheriff, under Sheriff Samuel Fosdick, (who by the way is yet living, a good and respectable citizen, among us,) many years ago—in the days of the old court house—to keep the pot boiling for himself and family, (for Mr. Stalee was a good husband and father;) he was also employed on Sabbath days as the sexton for the New Jerusalem (or Swedenborgian) church, situated on Longworth street, in this city, and as the sexton of that church he scrupulously attended to his Sunday duties, as he did to those of *the* deputy sheriff on week days. One Sunday morning, as was his usual custom, the Rev. Mr. DeCharms, pastor

of the church, came to the church early, before the bells began to ring, and before the congregation began to assemble, and Stalee, the sexton was there—on duty. The pastor went up into his pulpit to arrange the pages of the Holy Bible, and the hymn book, and the Liturgy, for the morning's sermon. With the Bible there was no difficulty; it was there in its place upon the velvet cushion of the pulpit, and was easily accessible, and the pastor fixed its pages for his text all right. So with the Liturgy; it was there, and it was fixed all right by the careful preacher. Meantime, Stalee was busy before the pulpit, fixing things. The hymn-book, all scarlet bound and gilded as it was known to be, was next looked after by the pastor, in order to dog's-ear the pages therein for the hymns appropriate to the character of the sermons he was to deliver, but the aforesaid book of hymns could not be found anywhere in the body of the pulpit. "Mister Stalee," the pastor called out, "where is the hymn-book?"

Stalee—"Why, isn't it in the pulpit, where it ought to be?"

Pastor—"No, it is not here. Find it for me."

Commanded, Stalee instantly obeyed, and he commenced searching for the missing hymn-book. He first went up into the pulpit, and searched all over there, thinking that the pastor might have made a mistake about it. But it was not there. He came down and went all about the pulpit, but no hymn-book; he groped over the floors, the aisles, and the corners of the church, but no success. He now commenced at the pews, went into them and out of them, tumbling up the soft cushions, looking under the seats and on the carpets and under the carpets, but nothing but failure.

“Why,” said Mr. Stalee, “the book is nowhere to be found.”

Pastor—“Find it, Mister Stalee.”

Stalee was dumbfounded. But there was a high gallery full of seats in the back part of the church, and places for the organ and choir of singers, and at last Stalee bethought himself to climb thither and look. So he mounted the stairs and looked, and he looked through all the seats for the audience, and for the choir, and he looked before the organ, and he looked behind the organ, and about the belly of the organ, and the bellows of the organ, but not the sacred hymn-book could he find. “Where in the world could it be?” Soliloquized the sexton, instead of Hamlet. “Alas, poor hymn-book!” There was a ridge of blue-green silk curtains, in folds, hanging on iron posts and wires attached to the top of the balustrade of the gallery just before the organ, to conceal the singers from the too peering view of persons in the audience; and just as the first one or two of the coming congregation, while the church bells of the city were ringing, were entering the holy precincts of the church, our friend Stalee, at last espied the coveted and long-looked-for sacred hymn-book, in all its scarlet and gilt (not spelt with a “u”), lying at the top of the balustrade, concealed somewhat by the prominent folds of the silk curtains. He sprang, he jumped and he seized the prize, and holding it aloft in his right hand, and stooping over from the edge of the gallery to the pastor in the pulpit, in a loud and exultant voice he exclaimed;

“*Why, Reverend Mr. DeCharms, here is the damned thing after all!*”

STALEE AND THE NOISY BOYS IN THE GALLERY.

Our old friend Stalee was somewhat incontinently given to swearing, though only when there was some provocation for it.

It was his duty above all other duties to keep silence in the old court room, when court was duly in session. Sometimes, however, he was a little absent-minded. On one occasion during the progress of a trial in court, there were some noisy boys leaning over the balustrade of the gallery, jabbering like a parcel of crows or bluejays. The court was disturbed, and the presiding judge said to absent-minded Stalee: "Silence those rude boys in the gallery, Mister Stalee." The deputy sheriff sprung up from his seat at the sheriff's desk and vociferously bawled out: "Boys, boys! silence—keep quiet—be still, there, or I will come up there, and bring you down d—n quick!"

The court looked aghast for a moment, but the boys being silenced, they kept right on with the case before them.

STALEE AND THE WAY HE SPELLED HIS NAME.

The old man would always spell and write his name "John Stal-*cc*." Frequently the lawyers would ask him why he did not spell his name with a "y" as being shorter. "No, sir-ee," he would say, no 'y' for me. You ask me *why*, I will tell you why and wherefore: because it looks better and it spells better, it looks more important, more '*distangu-cc*' as the French have it, if I pronounce the word right, and besides I am better satisfied, better pleased when I am writing my name, for I can write with more *ease*. Good for Sta-*l-cc*; though he loaned the wit, perhaps, from the comic almanac, it was a better application of it.

HOW STALEE ASTONISHED THE PREACHERS AND THE
DEACONS! AND THE PRESIDING JUDGE.

Stalee was frequently interested in church matters, for, as we have seen, he was the sexton of one of the churches of the city. The congregation of the church were clamoring for a new and more beautiful and splendid building for their church, and there was a meeting called upon a certain night, of all concerned—the preachers, the deacons, and the laity—to then and there determine the ways and means of erecting a magnificent temple. At this meeting the president judge of the old Court of Common Pleas, being a prominent layman of the congregation, was called upon to preside at the aforesaid meeting and he did so with the same urbane dignity as when upon the bench. On the question of what kind of a church was wanted, one of the *preachers* arose and suggested that they must build a fine church in a fashionable part of the city, where the rough scuff and scum of the city would not likely attend; in a word,—where they would not be troubled with poor, ragamuffin people. This brought the deputy sheriff of the old Court of Common Pleas immediately to his feet, and, in quite a rage, he called out: “*D—n it! we want the poor to attend our church; it is for them that we build churches. What in hell and damnation would you do without the poor?*” All were more than surprised; they were amazed and in a maze. They all stood perfectly aghast. Stalee was right in his sentiment, however, and he and they knew that.

STALEE AND LETITIA GRAY!

When I was in my official duty as State’s attorney, a certain woman was duly indicted for keeping a house

of ill-fame, and she had been arrested, and she had given bail for her appearance at court when her trial was to come on, and the day was set for her trial. The day in due process came on, and we were waiting for trial, with witnesses all ready and court all ready, but there was no defendant present in court to be tried. What had become of the defendant, Letitia Gray? Stalee, the deputy sheriff, as usual, was at his post at the sheriff's desk, looking anxious about things duly and properly proceeding before the court. One of his particular duties as deputy sheriff was to *call* aloud for absent lawyers, absent witnesses, absent defendants, and anybody absent who might be wanted in court; and when he did so, he went to the big, outer south door of the old court house, and on the portico in front thereof, bawled out in tenor stentorian voice and lasting and blasting lungs, the name of the person wanted, three successive times, each time louder than before. On the occasion there was no lawyer present in the court room to represent the defendant or to explain to the court anything in the emergency, and this Stalee noticed, with some signs of dismay on his countenance and some misgivings. At last, somewhat impatiently, the presiding judge of the court called out, "Mister Stalee, call Letitia Gray!"

No sooner said than done. Stalee leaped from his high stool at his desk, hastened out of the court room and out of the south outer door and on to the portico, and bawled out in the fullest strength of his strong, high, manly voice and sonorous lungs, so as to be heard at the farthest end of the city: "L-e-t-i-t-i-a G-r-a-y! L-c-t-i-t-i-a G-r-a-y!! L-E-T-I-T-I-A G-R-A-Y, E-S-Q-U-I-R-E!!!" And then returned immediately into court announcing very loudly: "May it please the court, the *lawyer* don't answer."

Everybody laughed outright, of course, and Stalee returned to his desk and his post of duty, and because of the laughter, in tenor stentorian tones, with three strokes of the usual mallet on his desk, commanded “silence! *silence!! silence!!!*”

It is not known to this day whether Stalee was in *fun* or earnest in dubbing the female keeper of a bawdy house *Esquire*, and changing her into a *lawyer* before the court, for one of his eminent characteristics as to himself and his ways, was close and entire secretiveness. He was secretive as—the tomb about himself always, and to get from him his motives of conduct or action was absolutely impossible.

STALEE, THE SLAVE OF DUTY.

His law and rule of life was simple obedience, and it used to be a common remark among the old lawyers, that “to obey the orders of the court, if necessary, old Stalee would go through the infernal regions”—only they used the more *expressive* expression in one word—instead of the last two words; for lawyers, you know, are plain-spoken *sometimes*. A lawyer once told me that he wanted a certain document in the clerk’s office, and, hunting for it for a week, he could not find it. At last he thought of Stalee; if anybody could find the lost paper, *he* could. But how to get Stalee to look after it? He bethought him that Stalee would be sure to obey the court, and if they ordered him to find it, he would find it if the paper was in existence at all. So the lawyer got the presiding judge in court, although somewhat *extra* judicially, to order Stalee to find the document at all hazards. Stalee went to work *to obey* at once, and in one single hour from his commencement of business, he

brought the lawyer's coveted and important paper to the presiding judge, who duly handed it over to the anxious lawyer, the old man Stalee being duly rewarded by the now gratified lawyer.

Stalee, in his official service, always had the model of Shakespeare's Macbeth before him.

"If it were done, when 'tis done, then 'twere well
It were done quickly."

Or his Richard the Third—

"Delay leads impotent and snail-paced beggary.
Then fiery expedition be my wing,
Jove's Mercury, and herald for a king."

STALEE AND THE WHISTLING KEY.

Stalee was a great man to keep silence, so necessary and essential to the maintenance and progress of justice, or injustice, according to Gaines, in the old court house. He was a Jupiter to all noise-makers in the court room, and he hurled thunder-bolts of words, and rappings with the Sheriff's mallet upon the hard desk before him. "Silence! *silence!*! S-I-L-E-N-C-E!!" he would exclaim, and then down would come the irrepressible mallet upon the face of the desk, making more noise than all noises before, or all noises put together.

On one occasion there was a murder trial proceeding in the old court room. It was one of extraordinary interest, and the bench was filled with judges, and the bar was crowded with lawyers, jury and witnessess, and the outside room was crammed with fellow citizens. But in all this crowd there was the stillness of death almost, for important testimony had been reached, and everybody was breathless to hear every little word that might be spoken by the witness on the stand. Stalee was at *his* post of *duty*, and he was attentive amidst that awful,

awful silence which prevailed in the crowded court room. He was standing at his desk with his eyes peering over and through the whole auditory, and he had the sheriff's mallet in his right hand ready to strike down upon the desk when necessary. But in his other *left* hand he had the sheriff's great key, and the tube of this great brass key was hollow, and the muzzle of it happened to be held by Stalee's left hand, close to the unconsciously *puckered* lips of Stalee, and all of a sudden there came a most shrill and terrifying whistle from the open hollow tube-mouth of that now unfortunate key, to the alarm of the death-like stillness pervading and the amazement of the crowded auditory, but not to the discomfiture at all of Stalee, for, immediately upon the whistle blast, down came Stalee's mallet upon the sheriff's desk, and the terrific words: "silence! *silence!* SILENCE!!" issued in louder tones than ever before from his ready mouth; and he looked himself unruffled, and duly composed, as if nothing had happened with himself, and he, himself, were entirely innocent of any whistle.

STALEE, AND THE CLAP OF THUNDER!

On another occasion, an interesting and important trial was going on in the old court room, and on this occasion the room was crowded. Outside of the court house the clouds were black and lowering, and a big storm was threatening, but as yet there was no stroke of lightning or no peal of thunder. All was silent in the court room, in the interest of the progressing trial, and Deputy Sheriff Stalee was at his desk, his post, to keep silence of all things in the court. The clouds grew blacker, and the heavens were now hung in black, and darkness almost brooded over the countenances of all in

the court room. Suddenly a great stroke of most vivid lightning struck the point of the lightning rod above the steeple of the court house, and following its course down the side of the steeple and cupola and over the east roof, and the east side of the roof to the ground, made fearful havoc, and was immediately followed by the loudest peal and clap of thunder that ever was known. It seemed as if all the artillery of the world had suddenly and terrifically exploded. The audience in the court room were all with one accord struck with awe, and stood in dreadful awe! Not so, Stalee—silence in court and out of court, for that matter, when necessary—was in his *sole* and *soul* keeping, and at the dreadful stroke of lightning, and the terrifying clap of thunder, down came his mallet three times on the desk of the sheriff, with all the power of his right arm, and out broke forth the terrible words: Silence! *silence!*! SILENCE!!!” from the somewhat decomposed, but not *de*-composed mouth of Stalee.

Stalee meant *classically* to call Jupiter to order, and he succeeded, for there were no more claps of thunder, that being the only one during the day, and awful silence prevailed in the court room all day after. Jupiter must surely have been obstructed in his work of hurling thunderbolts by the eloquent demand and command of Stalee, for he surely stopped hurling them, while Stalee continued at his post of duty for that day.

STALEE'S WAY OF OPENING COURT.

The deputy sheriff had his own and peculiar way of opening the court, and he never varied from it, and never would. The presiding judge, at the proper hour, would say: “Mr. Sheriff,” or rather “Mr. Stalee”—for it was more Stalee than sheriff—“open the court.” Thereupon

Stalee would strike his desk three successive times with his mallet, and then in a loud sing-song way, somewhat through his nose, bawl out: "Oh, yes! oh, yes! oh, yes! Hear ye! hear ye!! hear ye!!! All persons in attendance, having business in this court, give ear and hear ye—*this session of the Court of Common Pleas is now in session.*"

The presiding judge so often remonstrated with Stalee for his tautological deficiency in grammar, in his opening court, that he positively got tired, and let Stalee have his own ungrammatical, by-rote way; so he continued, and continued always to bawl out: "*this session of the court is now in session.*" He was fixed, and he could not be corrected. He was *incorrigible*.

STALEE AND THE GAMBLER TRIO.

Nobody could *obey* orders of court like Stalee, and the court well knew this, and all the lawyers and officers of court well knew it. What was ordered by the court, if within the bounds of practicability or possibility, was sure to be executed by Stalee. No fooling about him, no humbug for a moment about him. "The court so orders" was an all-sufficiency for him; he would go through fire and water, through "hell and damnation," the lawyers would have it, to execute an order of court. Resistance to Stalee in rendering efficient a mandate of the court was of no practical use at all. In executing orders he became at once a Mercury and a Hercules, and it was not a particle of use to try to impede him. It always turned out emphatically, "no go." I think that Stalee, from my experience with him and what I full well know of him, would have absolutely forfeited his very life, before he would yield an inch in obeying strictly and

closely, as he viewed it, the orders of the court. The court was everything—the *summum totum* and the *summum bonum* to our old friend Stalee. It was *omne in omnibus*—the all in all.

I remember once, that one of Stalee's fellow deputy sheriffs had a *capias* issued by the command of the prosecuting attorney for the arrest of three notorious gamblers, who had been indicted by the grand jury. The gamblers got wind of the proceedings against them, and one morning early, got aboard one of the Louisville morning packet steamboats to take their departure, and exile themselves in the freer precincts of the city of Louisville for awhile. The deputy sheriff who had the warrant, heard of this, and he accordingly repaired to the "General Pike," on board of which the gamesters were, to serve the warrant. The steamboat had not yet pulled in her lines, and the deputy sheriff sprung aboard, and found the three gamblers, and arrested each one of them, by clapping him on the shoulder, and showing his warrant. But each one resisted the officer and each one swore he would not go with the deputy off the steamboat. What was to be done! The boat was about starting, and the defendants must be taken ashore. But they would not be taken, even at the peril of the deputy's life as well as their own. The deputy called bystanders in the cabin of the steamboat to assist him, but nobody obeyed the summons or call, and a thought struck the deputy that he would order the steamboat not to leave, and himself go ashore, and return with more official help if he could find any officers. He did go ashore, and as good luck would have it, upon the ascent of the wharf, he came across the deputy sheriff Stalee, who was already hurrying down to the steamboat to help arrest the afore-

said gamblers, having been sent by the sheriff, who feared that one deputy would be powerless with the would-be runaway gamblers, and so obedient Stalee was quite on time, as the event fully proved. Both deputies now hurried down to the boat, Stalee having been informed of all the particulars by his brother deputy. To be not defenseless, Stalee, on his way down, borrowed a huge dray-pin from a neighboring dray on the wharf. When they reached the steamboat, the ropes had been pulled in, and the gangway was lifted on the boat, and her wheels began to turn, and her steam began to puff. Stalee at once took in the situation, and, with stentorian lungs, he yelled to the pilot of the boat to stop the boat. The pilot, seeing that it was *the* deputy sheriff, Stalee, for he knew him and his reputation well, stopped the engine, and the captain came forward upon the hurricane deck, and there was a parley between him and the veteran Stalee, who ordered the captain, under the penalty of confiscation, and the jail, and everything else, to turn the boat into shore, and let the officers get on board to do their duty, and obey the "orders of the Court of Common Pleas of Hamilton county, of the State of Ohio." The captain obeyed. The prow of the boat was turned back to the shore, the lines flung out and fastened and the gangway extended from the guards of the boat to the shore, and immediately the two deputy sheriffs went and were aboard. They rushed upstairs and into the cabin, and there were the three gamblers, standing on their defense, each with a pistol ready aimed and cocked, and ready to go off to the destruction of both of the representatives of justice. But what did Stalee care for pistols or anything of the kind, where the orders of the Court of Common Pleas were concerned. He at once

rushed upon the gamblers with his huge dray-pin, knocked down and leveled each one of them upon the floor of the cabin, took their pistols from them, tied their hands behind them, made them arise and walk and follow him out of the cabin, down onto the lower deck and off the deck onto the gangway plank, and off the gangway plank on to the shore, the other deputy sheriff in the meantime stirring up the rear and keeping things rapidly moving. Safe on shore, an express wagon was hailed, and a load of "gay gamboliers" was placed therein, and deputy sheriff Stalee mounted with the driver, while the other officer got into the rear of the wagon—and now there was a long but rapid drive up Sycamore street, clear to the jail, where the three gamblers were consigned to the cells at the jail, and to the tender mercies of the sheriff's turn-key, and Stalee and his companion officer returned to the court house, to inform the prosecuting attorney of their successful exploit; and they made their return upon the back of the *capias*, for the sheriff: "I have the bodies of the defendants in custody, in the jail of Hamilton county." The day of trial of the frisky gamblers was set, and the trial duly took place, and the gamblers were found guilty and sentenced to long fines and longer imprisonment in the jail of Hamilton county. What *was* the use of resisting Stalee in executing the orders of the Court of Common Pleas of Hamilton county? As well might you have attempted to resist the torrents of Niagara's cataract, as to attempt to foil Stalee in the pursuit of *duty*.

STALEE AND THE FLOOD!

On another occasion, I remember, in the year 1847, when the whole lower part of the city was flooded with

the rising and rising waters of the Ohio river, Stalee had a warrant for a notorious defendant, who lived in a rookery away down on Water street, which, so appropriately named, in its entire length was six or seven feet deep in water. But what was this to the deputy sheriff Stalee? Just nothing at all. The warrant must be served; the order of court must be obeyed; the defendant must be arrested, and justice must be done: *fiat justitia, ruat cælum*. Stalee duly ascertained the residence of the culprit away down on Water street, and he left the court house to pursue the even, rapid tenor of his way, away down on Water street, but on reaching Columbia street there was nothing but water, water, water—water all through and all over—all the streets had become water, and where now was Water street? But was all this show of water going to stop Stalee, with the mandate of the court in his pocket? Not a bit of it. He jumped into a stray skiff which he found moored to the land or curbstone on Columbia street, and unmooring it and all unmindful of ownership of the little craft, in the absence of oars he secured a sort of paddle, and paddled his way out into the water, down Columbia street to Western Row, down Western Row to Water, and down Water to the house of the defendant, whom he found all alone in the second story of his house, his family having long since boated it up town, and he, himself, remaining in his house to take care of it and more particularly to take care of his own person and keep it out of the clutches of the law. But little he thought that Stalee was after him. Boat and Stalee duly arrived, and, tying boat to window of house, into window went Stalee and found the defendant, whom offering little or no resistance, he at once arrested with his *capias*, and marched him into

the skiff, and up Water, up Western Row, up Columbia, to the place where he got the boat, to the curb. With the prisoner on hand and in hand, he marched off with him clear up to the jail on Sycamore street, and safely and securely lodged him, the defendant and prisoner, therein, and duly returned to court, and made his return that he had the body of the defendant safe in custody. This curious exploit of the veteran Stalee used to be called the voyage of Stalee across the waters to arrest a fugitive from justice, in a craftily-pirated craft, which, after being used on the voyage of discovery and success, was safely returned and moored again at its landing-place, for the benefit of whom it may have concerned. Here we have certainly a remarkable instance of Stalee going through, or, at least, over, the water to execute the order of the court. If water was no impediment to him in the discharge of duty, what could be? Air, earth and water—three of the elements—were no hindrance. How about fire? I think Stalee would have gone through fire to obey the order of the court.

STALEE AND THE PRISONER-WITNESS, AND THE
AWE-STRUCK MAN.

In the progress of a trial of a prisoner for some high crime, in the days of the old court house, it became necessary for the defendant to have a prisoner brought out of jail as a witness to testify in his behalf. One of the officers was duly sent for the witness, and he went over to the jail and brought the prisoner-witness into court and seated him inside of the bar with the other witnesses, where he momentarily thought the jail-bird would be safe enough. He told Sheriff Weaver of what was done, and then left for other duties. Pretty soon after, Sheriff Wea-

ver, on looking around the court room, espied the prisoner-witness brought out of jail, standing up erect, out of his place, and recognizing him immediately as a jail prisoner, he said to Stalee, who was at his usual post to keep silence, at the sheriff's desk :

"Mr. Stalee, do you see that man yonder?"

Stalee was very near-sighted with his little grey eyes, but looking for some time in the direction of the pointed finger of the sheriff, he at last said ;

"Y-e-s—y-e-s, I see him—there !"

Sheriff—"Well, that man is a prisoner brought out of jail for a witness, and he has no business standing there ; put him directly into the prisoner's box, until he is called upon to testify, and after that take him back to the jail."

Stalee—"I will ; he's no business there."

And forthwith, out of the sheriff's desk, and sure that he was right, he approached a man he thought was pointed out to him by the sheriff, and, without any scruples, took him roughly by the shoulders, saying "What the devil are you doing here?" and urged him on, surprised, amazed and alarmed, and marched him right into the prisoner's box, and seating him (now nearly frightened to death,) with other prisoners, said to him frightfully, "Now, d—n you," (for Stalee would swear in spite of everybody and everything,) "stay there, where you belong, until you are called for, and don't be standing about the court room, any more !"

The poor, awe-struck man, his wits nearly gone, not knowing what was turning, or what had turned up, totally ignorant and unconscious of his rights, or himself—now did implicitly as he was commanded, and nervously silent and silently nervous, kept his place and his seat in the

dock, wondering what in the wide world was coming next.

Old Stalee conscious of the rigid discharge of duty, and unconscious of the wrong he had just committed returned at once to the desk beside Sheriff Weaver, and went on as usual attending dutifully to the preservation of silence in court. After a while, Sheriff Weaver, again casting his eyes about, saw the prisoner-witness or witness-prisoner still standing in the same place where he had seen him before, and where, with others, he had been all along standing, notwithstanding the alertness and extreme diligence of Stalee in obeying orders.

"Mr. Stalee," said the sheriff, a little gruffly, "didn't I tell you to take that man" (pointing right at him, and turning Stalee's head and eyes around in the proper direction,) "and put him in the prisoner's box?"

"Yes," replied Stalee, "and burst me if I didn't put him there, too!"

No you didn't," said the sheriff, for there he is, now"—turning Stalee's eyes on the exact straight-line direction of the man—"don't you see him?"

Stalee, with his defective vision, looked and looked, and then turned his eyes over to the prisoner's box, saw *his* man still there, looking very pale, and being very fidgety, and then he looked again for the man pointed out by the sheriff and at last discovered exactly who was meant, and at this point, he began to smell a wee bit of a mouse. But, in his way, he knew what to do, and, with little ado in the emergency, instead of going directly to the jail witness, he marched himself forthwith to the prisoner's dock, opened the door of the inclosure, and, seizing the trembling man there seated, by the arm, in *sotto voce* he again said to him, "Sir, what the devil are you doing here in this prisoner's box? Confound you,

what are *you* doing in this dock? This is a place for prisoners; if you don't want to disgrace yourself, come out of here immediately," and out came the gentleman from the prisoner's box, with no resistance, as before, and went his way, in total doubt, maze and wonderment, out of the court room and out of the door of the court house. Having thus delivered the innocent and unconscious individual, and sent him on his way, whatever that was, Stalee now went back to the prisoner-witness. Having again seen, he was right this time, and taking him rudely by the shoulder and arms, he pushed him along as fast as he could, till he got him to the dock, and then thrust him into it and on to the seat. "There, there," said Stalee, "is the place for you, you jail-bird; you must not come over from the jail and stand this way about the court room; this is the place for you." This done, Stalee returned to the sheriff's desk, and to the sheriff, and said to him, "All right, now, Mr. Sheriff," and resumed his usual place and duty of keeping silence. The *wrong* and *wronged* man, entirely ignorant and unacquainted with the matters and doings of courts, did not perceive, and did not know, and never did not know of and about the mistaken outrage committed upon him by our old dutiful friend. He must certainly have entertained a very curious idea of the methods and manners of doing things in courts, and most likely from that misventure day to this, has kept himself aloof from all courts and court houses, prisoners' boxes and such singular affairs, evidently to him some of the seven wonders of the world.

STALEE AND THE STATE'S ATTORNEY'S HAT.

In the old court room of the old court house there were no pegs provided, or other convenience for the dis-

position of hats ; and as everybody had to have his hat doffed and off, in the presence of the court, it was a great bother to the lawyers to dispose of their hats. They generally laid them about on the table or elsewhere, wherever they found a vacant space. The prosecuting attorney was in the habit of placing his on the lawyers' table before him, to have an eye on it once in a while. He had just purchased a brand-new, spanking-new polished, bright tall silk hat, and was quite proud of it, and one day on coming into court with his great green bag, he relieved himself of, and placed both on the table, and went on with his pressing duties. There was some important trial on hand, and the court room was crowded with all sorts of people, outside and inside the bar. At last there was a dinner recess of the court, and the prosecuting attorney anxious to go home to dinner, could not find his hat. Everybody had gone out of the court room, but deputy sheriff Stalee and himself, and there was an old dingy worn out hat on the table in the place where the prosecuting attorney had put his, and he was obliged to take this, as worn and ugly as it was, and put it on his head, totally unmindful of what *might be* in it, and go home to dinner.

"Stalee," said the prosecuting attorney, "find my hat by the the time I get back from dinner."

"I will," said Stalee, and this was enough. Dinner over, and judges, lawyers and all the people in court again, Stalee went about the audience, and at last espied an ugly looking loafer leaning over the balustrade of the bar, and near the prisoner's box, with a shining new silk hat, held in his hand behind him. He immediately seized the fellow, and put him in the prisoner's box, and then went to the State's attorney, and said: "I've got your

hat and your man, there he is in the prisoner's box, and here is your hat. The prosecuting attorney looked, and at once saw, sure enough, the hat was his own. He then with the old hat and with Stalee, went to the prisoner's box, and asked the man if the old hat was his. The man gruffly replied: "yes."

"Take that man to jail, Stalee, he has no fear of justice in the very face of justice itself—take him to jail." And Stalee seized the man, and the poor fellow now began to protest, and protest, that it was all a mistake, he had merely through mistake, changed hats.

"What?" said Stalee, "changed hats? Your are worse than the magician in Aladdin who changed new lamps for old, you change old hats for new, and now instead of going into Aladdin's palace, you will have to go to jail. So come along." And Stalee moved the man off to jail, and he was afterward indicted and tried and convicted, and put on the chain gang. Stalee remarking to the presiding judge of the court at the time. "That fellow imagined that justice here was blind, and would and could not see him take the State's hat, right before its face, but he did not think that I was about watching and guarding these sacred precincts of justice and the law. He will know better next time, when he wants to change an old hat for a new one, he will be apt to do *vice versa*."

STALEE AND HIS BUNDLE OF PAPERS.

On one occasion, our old friend Stalee, in the obedient pursuit of duty, had the misfortune to lose a bundle of legal documents from the side pocket of his coat, in an alley it afterward appeared, which he had hastily gone through, by way of making a short cut on his errand.

A little boy picked up the precious papers, and being sensible that they were valuable, he resolved to preserve them, and was slowly making his way out of the alley, with them in his possession. Stalee having missed his papers, hastily returned, retracing his steps, and as he got to the alley, he espied the boy with his papers.

“Hello, you boy, what in the h—ll are you doing with those papers.”

The boy stopped in fright, and tremblingly called out: “I found them in the alley there.”

By this time, Stalee came to him, and taking the papers from the boy, “they are the d—d things, sure enough,” said he, and then changing his tone, he said to the boy: “you are a right good boy—you are a right good clever boy, and you shall be rewarded. Here!” he took a half a dollar from his pocket and gave it to the lad, who gladly received it, and then said: “Boy, let me tell you, and don’t you forget it, if it had not been for you, the *wheels* of justice of the whole county had been stopped to-day. You have saved the country. You are greater than Washington, who never told a lie!”

STALEE’S REHEARSAL.

Stalee not only presided at the sheriff’s desk to keep silence in court, in the Court of Common Pleas of Hamilton county, but whenever the Judges of the Supreme Court of the State came here to hold court, twice in the year, he also was at his post of duty, then. He entertained for the Supreme Court of the State the most profound and the most exalted respect, and he wouldn’t have any thing go the least wrong there on any account, nor for any consideration. As the court was regarded higher than the Court of Common Pleas, so he regarded his important

duties in it of a higher order, and behaved himself accordingly. In the Supreme Court he always appeared in his Sunday black clothing, and put on a clean shirt every day, and nice collar and bright neck-tie.

His manner of opening the Supreme Court, which was always his duty, was altogether of a higher, superior order to his usual method in the Common Pleas. His "Oh, yes, oh, yes, hear ye, hear ye," etc., was pronounced and enunciated more considerately, deliberately and profoundly, and he used to practice his formula of opening court, in order to become more and more perfect in its delivery. Once upon a time the Supreme Court was going to sit and commence its regular session on Monday in the old court house. On Sunday, the day before, quite early in the morning, some peculiar and particular duties called the prosecuting attorney to the grand jury room, above stairs in the second story in the old court house. He was about ascending the steps when he fancied he heard the ringing voice of old Stalee, in his formula of opening court, in the old court room. He listened, and, sure enough, he recognized the voice of Stalee, in the old court room. Was court being opened on Sunday? was suggested to the mind of the prosecuting attorney. He went to the big door of the court room, and found it firmly fastened and locked, and while he stood there, again he heard the ringing tones of Stalee's voice loudly declaring: "Oh, yes! Oh, yes! Hear ye! Hear ye! All persons in attendance having business in this court, hear ye, and ye shall be heard. The session of the Supreme Court of the State of Ohio for Hamilton county *is now in session!*" These last words, "is now in session," Stalee's old mistake, reassured the State's attorney of the inside presence of the loud-mouthed per-

son of Stalee ; but what on earth was he doing there, thus loudly proclaiming the opening of the Supreme Court. He knocked loudly at the door of the court room, and finally called out for 'Mister Stalee.' But all was then silent as the tomb, within, and "no admission within," was as plain as if it had been painted on a sign on the door. He knocked and knocked again, loudly and more loudly than before, but no answer, and lone and stock-still silence prevailed. He called "Stalee" again, but there was no betrayal of the profound silence within, which now prevailed. At last he gave it up in despair, went up stairs on his business to the grand jury room, and afterward went to his home, leaving Stalee all alone in his glory of silence or proclamation, as he might choose either. Next morning, Monday, I happened in at the opening of the Supreme Court, and Father Stalee was supremely sonorous, eloquent, and vociferously dramatic in his "*This session of the Supreme Court is now in session.*" I went up to Stalee, and said I: "Why, Stalee, how well you opened the Supreme Court this morning ; I never heard you do it better." To which Stalee immediately replied, "Well, I ought to, for I *rehearsed* all day yesterday, Sunday as it was."

STALEE AND BELLAMY STORER.

An important murder trial had occupied a whole week of time, and now it was Saturday night, and the cause not yet given to the jury, but the judges, on account of other pressing duties on the following Monday morning, were determined, and resolved to stick it out in order to end the case by midnight on Saturday. Bellamy Storer was the advocate for the prisoner charged with murder, and by eleven o'clock he finished his argument,

and gathering up his papers on the table before him, and thrusting a considerable pile of them into his lawyer's green bag, he took the aforesaid green bag, and weary and fatigued, took up his departure for his home, on Eighth street, near Main; arrived there and hanging up his green bag on a nail on the wall of his chamber, he went to bed, and began to sleep. After this, I as State's Attorney, spoke my piece for the State before the court and jury, and now it was almost twelve o'clock, near midnight, but the court concluded to go right on, and the presiding judge, Caldwell, was getting ready to charge the jury. Now it must be remembered that in order to charge the jury on the indictment, this important document must at the time be in the possession of the court, and so the presiding judge said, "Mr. Prosecutor, hand the court the indictment."

The prosecutor immediately looked for the indictment, expecting to find it before him on the table, but he looked, and he looked, and he looked, and he examined *his* own green bag, and he emptied his own green bag on the table, and looked again among his *pile* of papers, but it was no use, the needed indictment could not be found—it was not there—and the prosecuting attorney so informed the court. What could have become of it? There was and could be no charge of the jury by the court, without the indictment. "Mister Stalee," who was at his place, all attention, "find that indictment," said the court. No sooner said than done. Stalee, seemingly aware of something curious, donned his hat, and straight out of the court room and the court house he went, and down Main street to Eighth street and out Eighth street to the house and home of Bellamy Storer, Esq. He mounted the steps and rang the door-bell with a tre-

mendous pull, and rung it again and again, and every time, louder than before. At last the window of the second story front chamber was hoisted, and out peered the large and commanding frontispiece of Bellamy Storer. "What's wanted?" said Storer.

Stalee (on front door steps).—"The court has sent me for the indictment."

Storer—"What indictment?"

Stalee—"The indictment in the case now before the court."

Storer—"I know nothing about it."

Stalee—"You have got it: I must have it."

Storer—"I haven't got it."

Stalee—"You have; I saw you take it."

Storer—"When?"

Stalee—"And put it in your green bag."

Storer—"When?"

Stalee—"Just before you left the court house, an hour and a half ago."

Storer—"I didn't take it; but I'll come down and see you."

So Storer put the window down, went down to the front door, unlocked it, and there at midnight stood the deputy sheriff and Mr. Storer—the latter of course, all in night-shirt *deshabille*, for he had just left his bed, when Stalee's confounded ringing had woke him up in vexation.

Storer—"I haven't got that indictment."

Stalee—"Where's your green bag?"

Storer—"Hanging up in my chamber."

Like lightning Stalee pushed by Mr. Storer, and up the hall stairs and into the front chamber, and to the green bag on the wall, and thrust his hand into it and pulled forth the papers, and examining them, found the

lost and coveted indictment, and out of the chamber he went again, and down the stairs into the hall and to the front door, where Mr. Storer, in *deshabille*, was still standing, amazed and wondering what in the name of wonders, Stalee was up to. As Stalee brushed by Mr. Storer he exclaimed, "I've got it, the court is waiting," and then he literally ran all the way up to the court house, and into the court room, and into the bar, and before the bench of the expectant, patient judges, and holding up the indictment, exclaimed at the top of his voice, "I have produced the body of the indictment in court," and handed it over to the presiding judge, who now began and went on with the charge to the jury, and the jury went out to their room to consult of their verdict, and the court adjourned. It was from the lips of Bellamy Storer himself that I heard of the conduct of Stalee at his house, and he said that he was never more astonished and confounded at anything in his life, but inasmuch as old Stalee found the veritable indictment in his (Storer's) green bag, he thought it prudence at the time to say no more about it, and he never spoke a word even to Stalee himself about the affair, for as he laughingly said, Stalee had the decided advantage of him through his own foolish mistake in taking the indictment with his own papers from the lawyer's table, and in his confounded hurry, thrusting it unconsciously into his own green bag, and starting rapidly off for home.

STALEE AMONG THE TOMBS!

This anecdote of Father Stalee is somewhat a memorable one. On one occasion he had a particular summons to serve in an important civil case. He hunted all over for the defendant, but could not find him. He

went to his—the defendant's—usual dwelling house, and did not and could not find him there, but he was there told that the defendant was long since *dead* and *buried*. On this information he made a return on the summons that the defendant could not be found, for he had departed this life. The lawyer who brought the suit and had the summons issued, seeing and noticing the return of the sheriff indorsed upon the summons and discrediting the return and the fact, went right to Stalee in the sheriff's office and told him his return was not true ; the defendant was *not* dead, and the defendant must be served with the summons, either personally, or at his residence. Whereupon Stalee retook the summons, with his return, which were handed him by the lawyer, and resolved to make a sure thing of it. He again went after the man at his dwelling place, and was duly informed again that the man was dead and buried and had his tombstone erected in the Presbyterian graveyard, where the Washington Park now is. Armed with this repeated information, the deputy sheriff made his way rapidly up to the Presbyterian graveyard, found the grave and the *tombstone*, and attaching with paste a copy of the summons on the tombstone inscription just above the engraved name of the departed defendant, he left the graveyard right for the sheriff's office, and getting there he made the following sheriff's return on the back of the original summons in his own peculiar handwriting, to-wit:

“I have served the defendant personally this time, by leaving a copy of the within summons *at the last place of the known residence of the defendant*.

“T. WEAVER, sheriff,

“By JOHN STALEE, deputy.”

It was found out afterwards that there were two

persons, or rather had been, of the same name, and one of them had died, and *was* buried *and had a tombstone* in the Presbyterian graveyard; but the other living person was the real defendant, and after thorough inquiry and explanation the original summons was served personally upon the proper living, not dead person, and the lawyer was not only satisfied, but happily gratified by Stalee.

OLD STALEE ONCE MORE.

Our friend Stalee was still at his post of duty at the sheriff's desk, when the new constitution of the State, in 1852, came into effect. He had survived the days of the old court house, which was burned down in the year 1849, and he survived even the life and existence of the old Court of Common Pleas, which, on the coming into effect of the new constitution, was totally annihilated and decomposed, and a new reformed Court of Common Pleas took its place. The associate judges were especially and particularly abolished, and they subsisted and existed no more, alas! for fun and jokes in our annals. But Stalee survived!

STALEE AND THE LAST DAYS OF THE OLD COMMON PLEAS.

It was on Saturday, the 9th day of February, 1852, that the old Court of Common Pleas departed this life, and the occasion was a serious, sober, solemn one, and an attentive and attractive one. Judges Warden, Moore, Saffin and Wiseman were upon the bench, and Stalee, the deputy sheriff, was there to keep silence during the last throes, *trials* and death struggles of the old court, which now had almost slipped into the seventh age, "*Sans eyes, sans teeth, sans taste, sans everything.*"

And all the officers of the court were there, and the lawyers all were there, and a very large audience of fellow citizens were there, to be in at the death, and pay their profound respects, and condole with each other on the funeral ceremonies. The last matter of business had been reached by the court, and the last matter of business had been at last executed and finished, and there sat the four expiring, corpse-like judges, all in a line on the long and high bench, and there, still erect and mindful of his duty, stood the fearless, and faithful, and famous Stalee at his desk, his official desk, beside the

“Most potent, grave and reverend seigneurs,
His very noble and approved good masters,”

of whose powers and greatness this was the last day, the last hour, the last minute, and nearing, nearing the last second! But they had to die out, and on the morrow there would be “none so poor to do them reverence.”

But Stalee was not to *die* with the court; the new constitution did not abolish the office of sheriff. That was to be continued, and Stalee alive and well as *the* deputy, as a matter of course, with it. The very second of adjournment had arrived, and the presiding judge, himself with his associates, extremely loth to part with their transcendent powers, drawled out in expiring tones, “Mr. Stalee adjourn this court *sine die*!”

The order was instantly, and soberly and seriously obeyed, and thus Stalee concluded all things of that old Court of Common Pleas. He rapped his gavel once on the desk and exclaimed “Silence!” He rapped twice much louder, and called “*Silence!*” again much louder, and he rapped the gavel one more terrific third time, and cried “SILENCE!!” most terrifically, and then he bawled out with vociferous drawling, singing tones, almost

psalm-like: "O yes! O yes! O yes!! Hear ye! Hear ye!! Hear ye!!! All persons having business before this honorable court, hear ye, this Court of Common Pleas of Hamilton county, and State of Ohio is now adjourned *sine die*" (giving these last words the pronunciation of "*sign die*," as was his wont, but more vociferously, and adding still more loudly and very solemnly and dolefully), "*and may God have mercy upon its soul, and the souls of all those who have received justice at its hands*," and for the last time he rapped his gavel upon the desk, and then vacated it and the court room. It was, of course, too late for *any* court to *take offense* at Stalee's addition to his usual routine of announcement, for then there was no court; it was emphatically *non est*, or rather *non erat*, or better, *fuît!*

OLD STALEE AND THE INEBRIATE!

The veteran Stalee now with much age upon him, continued in the sheriff's office with the courts under the new constitution, and I, being one of the judges, had him assigned to my court room, to keep silence for me, and attend to the other appertaining duties of his office, and he continued to be as diligent and dutiful as he had ever been, and as eccentric, erratic and ever mindful as he could be.

On one occasion the serious business of the court was somewhat interrupted and disturbed by the maudlin vociferations of a man somewhat intoxicated, who stood or rather tried to stand, leaning on the balustrade of the bar. Said I, as judge: "Mister Stalee, remove that drunken man from the court room, and if he repeats the offense, put him in jail for contempt of court." No sooner said than obeyed. Stalee went at once from his

place at the sheriff's desk to the man, took him by the shoulders and arms and pushed him before himself out of the court room, and the business of the court was resumed, and progressed as usual without further interruption from maudlin drunkenness. My attention was on the business before me, but I noticed that Stalee was gone for some time, and did not return with, as I thought, his usual alacrity. But at last he did return, and took his usual place at the sheriff's desk, and I, being busy, took no further notice of the matter, and forgot all about Stalee and the drunken man whom Stalee had by my order *taken out* of the court room.

In the course of about five weeks after this, just before the opening of the court, I was sitting on the chair of the bench, preparing to have the court opened by Stalee, who was at his place at his desk, when recollecting about the drunken man of some time ago, I casually remarked:

"Stalee, what in the world did you do with that drunken man whom, some five weeks ago, I ordered you to put out of the court room? I just call to mind that you were gone from the court room longer than usual after my judicial order?"

Stalee—"Why, Lord, Judge, I suspect he is in jail yet."

Judge—"In jail! Did you put him in jail?"

Stalee—"To be sure I did. Didn't the court order me to put him in jail?"

Judge—"No; *the court did no such thing*. I merely ordered you to put him out of the court room, and had no idea of putting the poor man in jail, for he was a good man, and undoubtedly was inebriated accidentally.

Stalee—"The devil!"

And with this he suddenly left his place and the court room, and went immediately over to the jail on Sycamore street, hurrying as fast as he could, and, arriving at the jail, he thus addressed the turnkey: "Mister Jailer, the court *now orders* the discharge of that inebriated individual whom I brought over here for being drunk in contempt of court, some weeks ago."

"All right," said the turnkey, and he and Stalee went back into the jail after turning the big key, and, unlocking the big iron-grated door, there they found the poor fellow, dirty and slovenly for want of a change of clothing, but most thoroughly and completely eradicated from liquor, and entirely sober, and Stalee said to him: "The court thinks you have been in jail long enough, Mr. Mc——, and now orders *me to discharge you.*" The poor man, evidently running over with thanks for small favors, meekly replied: "Thank you, sir, and *the court*, too. I am glad to get out of this." And so Stalee took the man out of jail into the free and open air, and told him to go home and "say nothing about it." The man did not require this wholesome advice from Stalee. He wouldn't have told any of his folks where he had been for the world, and to this day they perhaps, have never been informed. The jailed man luckily was an unmarried man, but he told what folks he had, that he had taken a trip to the lakes, and had enjoyed himself very much; and he, if he is now living, does not know of the wrong done him innocently and unintentionally, by dutiful Stalee, who thought sure that the order of the court was to put the drunken man in jail. Stalee did not say a word to the court after he released the ignorant and unconscious man from jail, till a long time afterward, when he remarked to me, casually, "That man was all right; he

had put him *out* of jail, and now, every time he met him on the streets, he always made a bow to him (Stalee) and repeated his thanks for releasing him from that loathsome place," where he was confined for so long a period of five weeks, and he (Stalee) now never said a single word to him about the misventure, but let him remain in his happiness on account of his final release. Well, Stalee knew that if the man was informed, a suit of heavy damages against him on the civil side of the court might have been the result, so he prudently and wisely said nothing about his great mistake in wrongly interpreting the order of the court.

STALEE'S DEATH BY SUICIDE !

But I must narrate as a finale, this sad, serious and fearful recollection. This queer, quaint, singular, eccentric and erratic old genius, known and beloved by every judge upon the bench and every member of the bar, this faithful, sincere, honest, and diligent and dutiful good old man, ended his days *by his own hand* ! Who could have thought it? Who could have dreamed it? Yet, so it was. He died by poison administered to himself by his own hand. Surely we know not of the troubles the heart of our neighbor bears. Who can tell the deep, deep, concealed sorrows of another? To the world, Stalee was all apparent joy and gladness ; to himself, a burden which could not be borne. Up to eleven o'clock of the morning of the day of his death, he was scrupulously and diligently attending to his duties as deputy sheriff in my court. Just before that hour, the case on before the court requiring the presence of lawyer Mitchell, I sent him to the door of the court house to call the lawyer, I heard him from the bench call out loudly, "Thomas G. Mitchell—

Thomas G. Mitchell—Thomas G. Mitchell, Esquire." And that was the last duty he ever performed in or out of court. After this duty he came before the bench, to me, and said. "Judge, I wish to be absent from the court house for a while. I desire to go to my home, as I don't feel very well, and rest awhile, if you will permit me." "Certainly," said I, "friend Stalee, if you don't feel right, go right home and stay so long as you please and get yourself well." He then thanked me, got his hat, and went out of the court room, *and that was the last in this life that the members of the bar ever saw of poor, mortal Stalee.* It seems that, on leaving the court room and court house, he plodded his weary way towards his home, situated on Race street, just above and adjoining what is now Washington Park, then a *grave-yard*, and its nearness *very suggestive*, no doubt, to our old friend; and stopping at a drug store on his way, he purchased a quantity of *morphine*, took it to his home, mingled it with a pint of milk, in his chamber at his home, and drank it down, swallowing it all at once, and laid himself on his own bed, and before one o'clock in the afternoon, he was a corpse. The sad news was immediately conveyed to me, just as I had the court opened in the afternoon after recess, and I announced it to the bar and adjourned the court, and repaired at once to the house of Stalee, and there I found his purple and livid body, a cold corpse, stretched at full length upon his bed, and there, over those remains, I shed tears profuse, and full of questioning woe.

"Alas! poor Yorick, I knew him well,
Horatio. A fellow of infinite jest,
Of most excellent fancy."

Of course, the body of this good man, so well thought of and remembered, was followed to the grave

at his funeral by the judges, and the lawyers, and the officers of the court, and a large concourse of his fellow-citizens, notwithstanding this his own last unfortunate and fatal act, and every one at the grave thought, if they did not exclaim aloud, "*Requiescat in pace*," and all who knew him, afterwards preserved peaceful and permanent memory of him. He was a good man, of untarnished character, and as an officer, has never been excelled in the execution of official, ministerial duty. He was peculiar, eccentric, and sometimes erratic, but his peculiarities, eccentricities, and errors seldom or never did any harm to any person either in or out of court. At last, he who had been serving summonses nearly all his life, was himself served—*indeed, served himself*—with an imperative summons for his immediate presence in a higher court. And may we not think of him, and ardently wish of him, that he is still engaged in the performance of uses much higher and greater than those he performed on earth? He died upward of three score years of age, and it seems that his long experience had so disgusted him with this life, that with his own hand he felt himself called upon to put an end to it. But for this, we shall not judge him—we can not, for we are not wise judges of one another. Who *can wisely* judge his neighbor in this life?

THE PATIENT LAWYER, AND THE SLEEPY, HOLLOW,
SLEEPING AND SNORING COURT.

There was a long and tedious case pending in court, the noted case of Hepworth *vs.* Longworth, and the arguments of the veteran lawyers engaged, were long, dry and tedious, for they were all upon the *siccum legem*, and of course required nothing for their elimination or illumination, but Lord Bacon's *siccum lumen*. Lawyer

Fox was in his prolix though substantial argument, and Judge Johnston was upon the bench, the famous judge, one of whose chief boasts in life, it used to be, that he was born and reared on "Yaller Creek and its meanderings" in Eastern Ohio. Lawyer Fox argued, and argued, and argued, and the judge listened, and listened, and nodded, and nodded, which the able lawyer at first accepted as assents and assenting to his own learned and bright legal propositions, and of course he glowingly and gloryingly proceeded. But the repeated nods and noddings of the court, were but "the prologue to the swelling act" of a profound sleep, and at last, with his arms a-kimbo, and resting upon them on the plane of the bench, the judge leaning his head close down upon them positively slept, and *snored*. The veteran lawyer now stopped *suddenly* in his speech, and the sudden cessation of the monotonous and sleepy moaning running of the arguing mill, as suddenly awoke the judge, and he gathering himself together, and rubbing his eyes—exclaimed, "go on Mister Fox, go on, what did you stop for?"

Lawyer.—"I stopped because the court was taking a nap, and I thought I would wait until the court's nap was out. I flattered myself all along, that I was addressing the attentively listening judge from Yaller Creek, but I timely found, that I was arguing my case to Rip Van Winkle of Sleepy Hollow! and I thought I would wait until he '*swored*' or *snored off*!"

Court.—"Go on—go on—go on Mister Fox with your able and interesting argument, and reserve your smart, personal reflections for some other better occasion, when the court will be amused, and laugh!" The lawyer went on, and the court slept no more. Like Macbeth,

the learned counselor had murdered the sleep of the Yaller Creek judge, and he slept no more! and there was considerable boisterous and laughing wakefulness in the court room, which much aided and abetted the ensuing wakefulness of the now attentive and wakeful court!

LAWYERS JONES, AND APPEGATE, AND THE
OLD COURT.

Two sober-minded, sober-sided, and sober-tongued, lawyers, were Jerry Jones, and John Applegate. They were not either of them very profound lawyers, but they made their way by dint of hard pleading, and hard plodding. They were engaged on opposite sides, in quite a case before the old court, one day;—and the case was full of fine law points, which bothered them, and the court, on account of *their* botheration, a great deal more. At last, as sober-sided as they both were, they became somewhat exasperated at each other, and indulged in some rather gross personalities. Finally said Applegate: “I will undertake to lay down the law of this case to brother Jones, in a way that he does not like.” This roused Jerry, from his seat, and he suddenly arose and declared in much excitement. “I would like to know, how the gentleman is going *to lay down* the law to me. Why, may it please the court; in the whole course of his law practice, I never knew him to pick up any law—and I would like to know, how in the name of law, he is going to lay down any law to me! That’s what I’d like to know.”

The Court—“Gentlemen, let us take care of that. We are the proper persons to pick up, and lay down the law of this case, and we will take care, that we do it, *for both of you!*”

LAWYER DICK CORWINE AND THE EXCITED AND
RESPONSIVE IRISH JUROR.

Lawyer Richard M. Corwine was a showy fellow in the law, and out of it. There was no man that I know of who could make more favorable *first* impressions upon his fellows, and particularly strangers, than Dick Corwine, and it was a common remark that nobody was ever introduced to Dick, and enjoyed the pleasure of a slight acquaintance with him, but who thought him a *great* man, and he really did have a great deal of merit, and was a good lawyer, and an eloquent advocate. He was once a partner of Oliver M. Spencer, who was so distinguished a judge of the new Superior Court, and he too was once a senior partner in the practice of the law, of Rutherford B. Hayes, who is now the President of the United States, the firm being Corwine & Hayes. Well, Dick was decidedly an eloquent advocate before a jury. He was once counsel and advocate in a criminal murder case, and the defense he set up for his client was "*se defendendo*" or "*se offendendo*" as Shakespeare's gravedigger has it—self defense—and in the progress of the trial, he had witnesses to prove it too. It came the time for Dick's argument, and great speech to the jury, and he waxed exceeding eloquent, and he got the jury in sympathy with him almost to fever heat, and he was about to conclude, and he vociferously declaimed: "Gentlemen of the jury—now put yourselves in the place of my client—he, a small diminutive man, and the deceased, a great, brawny, stalwart butcher, who rushed upon my client with the ferocity of a lion or a tiger, with a large butcher or bowie knife in his uplifted right hand, and would have cut his heart out then and there, if my

client had not prevented him by shooting and killing him on the spot. Under such circumstances, what would you all have done, gentlemen of the jury? I say, what—what would you have done?" Here Corwine noticed the only Irishman of the jury in a high state of nervous sympathetic excitement, very uneasy in his chair, and turning suddenly to the Irishman, the excited orator boldly and loudly proclaimed: "My friend from Ireland, what would you have done under circumstances like these? What—what would *you* have done?" The Irish juror could stand it, or rather sit it out no longer, he sprang from his seat in the jury box, and flinging up his arms and hands in a flush of terrible excitement, he screamed out, in response to the orator: "*Shot the d—d spalpeen, on the spot, by the eternal thunder!*"

This was enough—this was a wonderful triumph, and the eloquent advocate said not another word, but sat down, and left the case, and the fate of his client to the mercies of the twelve jurors, who, after the charge of the court, retired to their room, and soon afterwards brought in a verdict of NOT GUILTY! and Corwine and his client rejoiced in great joy!

LAWYERS EELS AND TOM GALLAGHER.

Samuel Eels was an early young lawyer, and Tom Gallagher not so early, but quite up to snuff when he was in a corner. Lawyer Eels, from the East, and of eastern education as he was, prided himself mostly on his respectful and dignified manners and ways, at the bar, while Tom Gallagher, of Irish descent, if not Irish born, cared little or nothing about those things. When he went into a case in his Irish *bull* way, or his bull Irish way, he went in to win, and no matter, without a why

or a wherefore. He and Eels were on opposite sides engaged in a hard, knotty case, and naughty Gallagher did not care a whit for the dignity of lawyer Eels, and thought he was putting on too many airs, and he resolved to comb him down at the very first opportunity. Eels had much more knowledge of the law than Gallagher, and Gallagher had sufficient knowledge of law, to know this. Eels would raise fine, very fine legal points from time to time upon Gallagher, until even his Irish wit was at a great loss to reply to dignified Eels, or even understandingly keep up with his continued raising of legal objections. At last, lawyer Tom, in absolute despair, made a direct appeal to the court, and said—"May it please the court, my learned, and smooth, and oily opponent makes entirely too much stir in these legal waters, he reminds me of his snaky, squirming brothers in the waters—nay, he appears to me a great deal more slippery than *eels*. He turns, and squirms about so much that it is impossible to hold him—I mean, to the case. He is worse than *eels*."

Court—"Mister Gallagher we cannot see it so. If we are allowed to suggest, we think, in the conduct of this case, you are very much more squirming, if not more slippery—than—*Eels*."

THE BROTHERS, LARZ AND CHARLES ANDERSON.

Lawyer Larz Anderson belonged to the bar of the old court house—but having married a daughter of the millionaire Nicholas Longworth—he gave little or no attention to law except as it concerned the affairs of Mr. Longworth's large estate. Larz Anderson was a good lawyer, however, and a polished gentleman, and was much liked by the old members of the bar. His brother Charles,

whom I knew as a fellow student at Miami University, became quite a distinguished lawyer as well as a polished gentleman; and also became of some account in politics, and was once elected by the people of Ohio, as their lieutenant-governor. They were both Kentuckians, but came to this city in young age, and settled permanently among us. Charles was much given to the drama, and at a great benefit for the poor of Cincinnati in the month of February, 1855, he appeared in the character of Hamlet, enacting the scenes of the third act. This was at the old National Theatre of this city. Some ten years after this, at another benefit for the poor, given at Pike's Opera House, he enacted the whole of Hamlet, with great approbation and *eclat*. So that it was well said of him, he was as fit for the winsome walks of the drama as he was for the perilous paths of the law. In either capacity, as lawyer or actor, he *acted* well his part and there the honor laid, and it used to be said of him, he was a first rate *actor* in both professions—law and the drama—notwithstanding an indignant adversary advocate in a case in court—once, directly pointed at him before the court and jury—and proclaimed by way of manifesting some contempt for the way he managed his cause. “Lo! the poor *actor*!” But Charles Anderson was a good lawyer as well as good actor, and a gentleman in every sense of the term.

LAWYER COFFIN AND HIS DEFEATED OPPONENT.

Lawyer Charles D. Coffin, having come to this city to practice law, in the year 1842, was a member of the old bar of the old court house, and an excellent one. He recently died at the advanced age of seventy-six years, and, during his long life, possessed of such equanimity

as he was, he never gave offense to any one, or received offense from any one. He was here, lawyer and (twice,) judge of the old and new Superior Court, and as both or either, he was always the inoffensive gentleman. His name was the only thing about him which afforded any sort of pretext for even repartee against him, and this never offensively. On one occasion, I remember, a distinguished lawyer was unsuccessful in a case tried by him and lawyer Coffin, and he was quite sore over his defeat, and, when twitted about his having been beaten by Coffin, he remarked, "Yes, I was beaten,—but it was not my fault; and it did seem to me that I was trying that case in a graveyard—that my death knell had come long before I got through, and when we did get through I found all my efforts were buried by, if not in, a *splendidly polished Coffin!*"

LAWYER POWELL AND HIS ALMIGHTY AMBITION.

Lawyer Thomas (General Thomas) Powell was a curious example and specimen of unrewarded ambition. He was but a very young lawyer of the old court house, having come to its bar in its last days. But he came to the bar with the ambition of a Napoleon Bonaparte, and expected to conquer or die. He was tolerably able, as well as ambitious, and by appointment, he made once a pretty good assistant prosecuting attorney, for a single term of court. He was at divers times, a candidate for the legislature, and at all times a candidate for anything, and everything. Governor Reuben Wood did appoint him once, his Adjutant-General of the militia of the State—and this was how, he became, and was called *General Tom*—and he was as mighty as General Tom Thumb, and much mightier with the sword, than with the law or

the pen, and not mighty in either, or all. Lawyer Warden was talking with General Tom one day when the latter, then quite a young man, was going to offer himself, for no one else would do it, as a candidate for judge of the Supreme Court of the State of Ohio, before the Democratic State Convention, convening at Columbus. Warden expostulated with Powell, and told him, he was too young to be a judge, particularly of the Supreme Court of the State.

“No matter about age,” rejoined Powell, “all great things are accomplished in young, energetic age.”

“But you are too ambitious, General; you ought to abide your time.”

“No time like the present for success,” replied the young adjutant-general of the militia. Warden was quite out of patience, and he said to the very ambitious lawyer-general.

“Why, General, I do believe you would be a candidate for President of the United States, if you had but a single proposition.”

“Wouldn’t I, though,” said overleaping, ambitious Tom, “wouldn’t I, though; you just suggest it, and I will be a candidate in a minute.”

Exasperated Warden again urged—“Why, I believe you are prepared to take the place of the Almighty, if he called you.” This was by no means a stumper to Tom, for he replied:

“Just let the Almighty make the call—I will at once respond—see if I don’t.”

HOW THE IRISH LAWYER GOT HIS CLIENT OFF.

There was an Irishman indicted for murder in the second degree, killing another purposely and maliciously

but without deliberation or premeditation. The murder occurred on Plum street, in this city, and was a plain case of manslaughter at least, by the testimony in the case. It was in the year 1848, that the trial took place before the old Court of Common Pleas, and a jury—just after the Mexican war—and it was noticed by the prosecuting attorney, during the trial, that the prisoner at bar, was dressed in a military suit and soldier cap of the volunteers of the Mexican war, while his curiously eloquent lawyer, contrived to make a great parade of him in uniform, though not with timely uniformity, before the court and the jury. The testimony was through, plainly convicting the man, be he soldier or what not, and the prosecuting attorney did not think it worth while to occupy much time in his arguments. But not so with the *Erin go-brag* attorney, he occupied nearly the whole day with his rambling, disjointed, scattered, inherent, and incoherent Irish speech to the jury. The prosecuting attorney interrupted him every once in a while for misstatements of law and fact, but finally got tired of it, relying upon the good sense of the jury to correct the Irish blunders and mistakes. At last the Irish orator neared the end of his speech, and he thus concluded to the jury, all sympathizers, it seemed, with the Mexican war, and the brave Mexican volunteers, who left their home and country to fight for their country, against a foreign foe.

“Gintlemen of this intilligent jury, my client was a Mixican volunteer. He is now forninst you in his military garments, in which he preceeded the army of General Winfield Scott, and climbing the wall of the beautiful city of Mixico, *erected* a hole in the aforesaid wall, and in that hole so erected, erected the pole and flag of the Star-Spangled Banner, which now first floated to the breeze

on the walls and in the halls of the Montezumas. You will not, before Almighty God, I am sure, retire into your peaceful room, and then and there, convict such a notable Montezumean !” And the Irish attorney took his seat, in sort of Irish triumph. The prosecuting attorney misinterpreting the intelligence of the jury, took no notice of the blundering Irish oratory in his closing speech, and the court charged the jury, and the jury went to their room, and soon returned with a verdict of “*not guilty*,” to the surprise of court, bar, witnesses, and the crowded audience, and to the positive amazement of the Irish lawyer himself, and his client.

Moral:—Never trust too much to the intelligence of a jury, there may be, if not a cat, a Mexican volunteer in the meal.

A CURIOUS INDICTMENT.

Among the old indictments of the old court house of a very—very long time ago—was one charging one Nicholas Bealer with the crime of adultery, charging him with “then and there deserting his wife, and then and there, having carnal intercourse with a certain Ann, otherwise called Nancy Wiggins, to-wit: at a certain fixed locality, upon the banks of Duck creek, *and all the meanderings thereof*, in the township of Columbia, in the county of Hamilton aforesaid.” A good indictment if one could prove it all, as laid. The *Venus* if not the *venue*, was well *laid on*.

A CURIOUS RAPE CASE BEFORE THE GRAND JURY.

There came a German female (if that is not a paradox) into the private office of the prosecuting attorney one day, and bitterly complained of a man for committing

a rape upon her, and she wanted the man indicted and prosecuted, and sent to the penitentiary. The prosecuting attorney examined and cross-examined the woman, and in short, found from her own statements that really, no rape had been committed. It was one of those cases which Ben Fessenden used to say in court, was a case of *rapee*, because the woman was up to snuff, and not a case of force and violence, and against the will. The prosecuting officer accordingly advised the woman that she had no case, and she must not go before the grand jury, unless she could make out a *stronger* case, and the woman left the office. Soon afterwards the grand jury was in session, and from day to day, were engaged in examining witnesses, and finding true bills of indictments. One day, the prosecuting attorney, after getting through with some important business in court, went up into the grand jury room of the old court house, and as he came in, the foreman of the grand jury announced to him, that they had just found by an unanimous vote, a true bill of indictment against a German man, (naming him) for the horrible crime of rape, and it was certainly one of the most horrible cases they had heard of in the whole course of their lives. The prosecuting attorney inquired about the woman witness, and soon found that she was the woman who had been in his office, and he then and there told the grand jury, that there must be some great mistake about this. He immediately sent deputy sheriff Stalee, to look up the witness, and bring her back to the grand jury room. No sooner said than obeyed with Stalee, and the German woman was brought back. And now the prosecuting attorney proceeded to cross-question her before the grand jury, and he did it closely and sharply, and showed that she had been at his office, and

had told quite a different story from what she had just told before to the grand jury, when there as a witness by herself, and got from her at last, the truth, that no rape had been committed upon her. Said the prosecuting attorney to the witness sharply: "Why, madam, do you come before this grand jury, and tell them such a horrible story as you did a while ago?"

And the witness answered: "Why, you told me in your office, that I would have to make out a *stronger* case, and I thought it was my duty to do so, because I am going to have a baby soon, and I want that fellow to pay for it." This was quite enough, the witness was dismissed, and now the grand jury well assured that the case was a *rapee* case, unanimously ignored the bill. There was perhaps a *rapee*, but no *rapeer*!

After this case, the prosecuting attorney was ever very careful about these *rapee* cases and, believing with Queen Elizabeth, of England, that rape could not be well committed by one man alone, as she illustrated with sword and sheath, to Sir Walter Raleigh on an occasion, he *probed* every rape case that came before the grand juries from time to time, and got quite up to the snuff of *rapee* cases!

LAWYER STEPHEN CLARK AND THE HEADING OF THE BARREL.

Brother Stephen Clark, good, fat, lymphatic, prolix, curious old dignified fellow that he was! How he ever came to the bar, it is not in fact or in tradition, but he was admitted, and was at and in the bar of the old court house, though in its latter days. He used to give the court and bar some trouble, a good deal of trouble, by his blundering prolix and prosaic ways, and dry and dull

means of getting at, and trying his cases before court, Who at the bar or on the bench, has not been bothered, “fooled to the top of his bent” by our old stupid and stupendous friend Stephen’s impregnable and indomitable and imperturbable perseverance to have his case before the court, in his own proper, peculiar and particular bothering and blundering way? He always was a stumbling block, to court, jury, witnesses and lawyers, and because of this perhaps, sometimes, luckily gained his causes. It was in tradition about him, that a long time before he came to the bar, he and a companion were one day trying to adjust and fix a head into a barrel, and all their united skill could not accomplish their purpose. The head of the barrel would slip and slip, and go up or down, and would not, and could not by awkward hands and fingers, and hammer, be properly placed in the circular crevice of the hooped staves of the barrel. It was all attempt and endeavor on the part of the duet laborers, it was no use, and did not, would not come to good effect. At last, a pretty and wise conceit slowly popped into the head of Stephen, and he said to his diligent companion at the barrel :

“I will get into the barrel and hold up the head level, and you can adjust it in the crevice. No sooner said than done, and Stephen was shut up close in the barrel by his companion—he was not bottled up, but he was emphatically barrelled up.”

And yet Stephen became a lawyer, and was in *stature*, if not in *statutes*, as big as a barrel and had a slipping and slippery head too !

LAWYER FOSDICK, AND THE WAR.

The western poet, William W. Fosdick, was a lawyer, and a member of the bar of the old court house—in its latter days. Given to poets and poetry as he was, he was not very much given to the law, but he was quite capable, though he never practiced the law a great deal. He was a good-souled, jovial fellow, and full of wit and humor, and was always a good companion. He was very fond of puns from others, and of punning himself. He was a punster, and stirred up a great many puns, and often in company he became the very life of it. A coterie of lawyers were one day engaged in the old court room of the old court house discussing the Mexican war, when Fosdick was asked his opinion and expression. He readily replied, “gentlemen, I can easily express my sentiments in a single poetic line from Addison’s Cato. It may be a new reading, but them’s my sentiments. ‘My voice is *still*—for war!’”

LAWYER FOSDICK, AND THE PORTRAIT.

One day Fosdick and myself being in company, sauntering along Fourth street, were stopped at Wiswell’s picture frame establishment, by the artist Beard, who wanted us to drop in, and see a portrait that he had just finished, and which was in Wiswell’s for the purpose of being framed. We went in and looked at the portrait, and Mr. Wiswell joined us. It was the portrait of Dr. Will, Hunter, the popular *dentist* of the city at that time. Well, said I, the portrait looks too *sober* for Dr. Hunter—it looks too down in the mouth. “That’s it—that’s just it”—exclaimed Fosdick—“that’s just where Beard has shown himself the great artist, for is it not the

daily occupation of Hunter, *to look down in the mouth?*" Of course we all smiled then and there, and afterwards went out and *smiled*—at the expense of the artist.

LAWYER TOM CORWIN AND HIS SUGGESTIONS.

Lawyer Tom Corwin used occasionally to come down from his town of Lebanon, Warren county and practice in our old court house, and after he had given up politics in a measure, he really became a member of the Cincinnati bar. His wit and humor, so famous a stump-speaker as he was, became national and there is hardly anybody of the old generations, who does not know something funny about Tom Corwin. He was once trying a case in the old court house—a slander case,—and he was for the plaintiff, and he devoted a great deal of eloquence in his effective manner and method, to and about the ends and corruptions of poor, depraved human nature. At last he said :

“Human nature does sometimes appear entirely corrupt, entirely depraved, gentlemen of the jury. It would almost seem that the orthodox doctrine of the old Covenanters, of total depravity, was a correct bill of items against humanity ; and if I had been a covenanter, and had been standing at the elbow of Jehovah at the time he made man and woman, *I think I could have made some most valuable suggestions!*”

TOM CORWIN AND HIS STORY OF THE EASTERN SHORE OF MARYLAND.

When Tom Corwin was in Congress from the Warren county district, he used to be disturbed very much by hearing so much boasting and bragging from State of Maryland members, of the wonderful greatness of the

eastern shore of Maryland. Other members of Congress were bored as well as Corwin, by the eastern shore fellows continually harping upon their great eastern shore, and their great constituency—their great people! One day an eastern shore member was speaking on some measure, and Tom declared to some of his fellow-members in his place, if that Maryland chap again said anything about his eastern shore, he would reply to it. This was, *sub rosa*, noised about among members, and those in the conspiracy waited for an eulogium upon the eastern shore. Sure enough, the orator, in due time, came to the “eastern shore,” and, among other things he proclaimed:

“Look at the great State of Maryland, look at the eastern shore of Maryland from whence I come! Why, it is the garden spot of creation, and its people are the chosen ones of mankind. It is a great country, a blessed country, a God-gifted land!” And the orator soon sat down after all that, and Tom Corwin arose in his place, with his fellow-members around him, all expectant, but not knowing what was to come. Among other things, orated eloquent Tom:

“The gentleman from Maryland speaks most eloquently and opportunely, of his great State, and pronounces the eastern shore of that great State, ‘the garden spot of creation, and its people a blessed people.’ In reference to this, I have a fact to relate, if I can command sufficient attention.” Everybody in the House was now full of attention. “Mr. Speaker, I am a lawyer, and I had a case in court one day, in my town of Lebanon, Warren county, Ohio. It was a case of much importance, and my success in it depended upon the evidence of an aged, venerable, white-headed witness, near four-score years; and I called him to the witness stand, and he gave

his most important testimony, and my case, I thought, was won. But the lawyer on the other side commenced to cross-examine the witness, to break him down, if possible, on account of his extreme old age and necessary want of memory, and says he to the witness, ‘My aged friend, how old might you be?’ The old, white-headed witness looked around at the court and at the jury and at me and then, at last, at the cross-examining attorney, and he answered, ‘*I am just forty-two years of age, next month!*’ This was an astonisher, an amazer. I was amazed, and felt that my witness would certainly be completely broken down for lunacy. All in court were surprised. The cross-examiner continued, ‘only forty-two years of age! why, old man, you look to be at least eighty years of age.’

“‘Well,’ said the witness, ‘I will tell you how that is: the first part of my life I spent on the eastern shore of the State of Maryland. I was born there,—on the eastern shore! and I lived around, and lost there thirty-eight years, and under the good God I have always thought that in estimating and numbering my years, He would not take account of the years gone and lost, on that God-forsaken eastern shore of Maryland, and therefore, I am just *forty-two years of age!*’”

This was enough—quite enough—and the Maryland harp of a thousand strings never sounded more “My Maryland” or the “*Eastern shore of Maryland,*” in the halls of Congress! Never!

BEWARE OF PREACHERS—BAD WITNESSES IN COURT.

It is a solemn truth—regret it as we may, that preachers make bad—very bad witnesses in court. It would seem that in the efforts of their life, they deal with so

much of uncontradicted fancy, instead of fact, that they cannot tell how a fact transpired when they are called upon the witness stand. I remember more than one case in the old court and court house, where preachers were called to testify, and they invariably spoiled the broth. On one occasion in a murder trial, which created in the community the most intense interest, and the greatest excitement, a certain distinguished Methodist preacher was called upon to testify for the State, and he did do so with a "whereas." He, in his testimony, as was very plainly to be seen, was for hanging the poor prisoner, and upon this point, he by no means wished to hang the jury—and, therefore, he was most absolute and positive in his declarations, and became so dogmatic, that the court upon the call of the attorney for the defence stopped the witness, and finally made him take his seat in the witness box. Now this witness colored everything he said with the fancies of his profession, and absolutely before he was done, got on to the crucifixion of Jesus Christ upon Calvary or *Cavalry* as he would have it—and by his testimony, would have crucified the poor prisoner on trial in the same way—particularly, if he had *his* own way. But the court stopped him, they were obliged to stop him in his piety, and pious discourses upon the depravity of mankind, and of the poor man, in the prisoner's dock, particularly. At one time he said, "the deceased trusted the defendant, and had all confidence in him, but the prisoner was a Judas to him, and stabbed him to the heart, and set his house on fire," and this was said as the truth and the fact by the preacher witness, and yet he did not see it, or know it. He only knew of some surrounding circumstances, and he testified to these so lamely and unfashionably, that the dogs would have barked at him if they

could have understood how he was giving in his testimony. In the same case, another preacher testified, as he happened to know some important items, and he being the preacher of my own church, I expected something better than he gave. He, too, could not testify to the plain facts which he saw before him, however, but he continually colored them with his peculiar and particular views as a preacher over a congregation—totally ignoring the fact, that he was not now a preacher in his pulpit, but a simple witness in the witness box, before the court. He did not get as far as the first preacher—clear upon Calvary—but he came near to it, and the court had to interfere. Avoid preachers then, as witnesses, we somewhat serio-comically say to lawyers—they are not good witnesses—they are bad—very bad witnesses—almost as bad, good brethren, as doctors, and lawyers, and we all well know that they—the doctors and the lawyers, make the very worst of witnesses in any case in any court.

A UNITED STATES SUPREME JUDGE AND THE OLD
COUNTY RECORDER.

We once, long, long ago, had for county recorder as a reward for peerless democratic service, old long, gaunt, unlettered, and uncultured, and unbuilted Billy Hoon, as he was called. His occupation had been that of a blacksmith, but the democrats of the county transformed him from plain sledge-hammerer to high recorder of the county—for full two terms—and he, like his great metatype, General Grant, wanted, and was very anxious for a *third* term, if his fellow democrats would *grant* it. He said to them in their convention assembled, in all seriousness and sincere soberness—

“Fellow dimocrats, I appear before you to say, that I

have sarved the dimo-crazy faithfully for two tarms, and by the blessing of the gods, I am quite willing to sarve you *three tarms*." The democracy did not accept his disinterestedness. But while he was recorder of the county, he always had his wits—rough-hewn as they were—about him! He always evinced strong horse-sense.

One day Judge McLean, then one of the judges of the Supreme Court of the United States, came into the the recorder's office, and showing the recorder a deed of his, which had been some time ago recorded, pointed out to the recorder, that the deed as recorded was defective, and the original had now been corrected and amended on its face, and he wanted the recorder to insert the correction and amendment in the former record on the face of the recorded deed, *so* as to have the recorded deed correspond with the amended deed he had in his hand, and asked him to do it. Old Billy scratched his head, and reflected, and hesitated, and totally unmindful and careless of the official dignity of the eminent and distinguished man of the United States ermine, bluntly blurted out—

"That cannot be, Mister McLean, that cannot be done. It is agin the law, it cannot be done, It's agin my office, sir!"

There happened to be standing near in the recorder's office, Alexander Todd, a young sprig of the law, and Mr. Charles Cist, an old citizen, whose attention was arrested by what was going on between the great judge, and the recorder.

Judge McLean—"But, Mister Hoon, the thing can be done, you can make the record *correspond* with the correction, can't you?"

Billy Hoon—"No, sir-ee, Mister McLean, I am an officer of the county, sworn to do my official duty, and I

cannot alter the sworn records of the county. It would be forgery—State forgery, Mister McLean. Ask Mister Todd, the lawyer there, and Mister Cist, one of our oldest citizens, and they will tell you, it can't be done. No, sir—it can't be done, and more than that, I won't do it. You can't git me to alter the sworn records of the county. I won't do it, sir, I won't do it. No, sir—I will be d—d to h—ll if I will!"

And Judge McLean left the office!

The recorder, Billy Hoon, in his rough horse sense, was right, and the judge of the Supreme Court of the United States was wrong—entirely wrong—and recorder Hoon as against him, Supreme Judge as he was, had a right to appeal to young lawyer Todd, or old citizen Cist! He was right. He was sacredly and *profanely* right!!

ANOTHER AND PECULIAR ADJOURNMENT OF COURT

BY OLD FATHER STALEE.

In our anecdotes about *the* deputy sheriff Stalee, we unconsciously omitted one, which we must now add. Sometimes the old man about the adjourning time of the court would get into a facetious mood, and would not be overmindful or cautious of what he would do or say, and expostulation would do little with him. At one time the term of the court was at an end, and there was to follow a long vacation, and as the last moment came, the judge, who was rather celebrated for being fond of a good glass of Bourbon, ordered the deputy sheriff to adjourn the court without day, pronouncing the phrase '*sine die*,' for the first time in the English translation.

Stalee obeyed, and with a twinkle in his eye, vociferously bawled out, in doggerel, from his desk:—

This court is now adjourned *without day*—
Without the cat, the mice may play—
All the lawyers should go and pray—
And the judge will "smile" without delay.

“Why, Stalce,” indignantly demanded the judge, “what do you mean? You’re in contempt of court.”

Stalce—“Oh, nothing; I was in rhyming mood, and took advantage of the last and best opportunity, for there is no court *now* to take advantage of me. I’m in no contempt, for there is no court! Let’s take a drink!”

THE ACCEPTED VERDICT OF *ELEVEN* JURORS. A CURIOUS AND PHENOMENAL CASE, AND WHAT CAME OF IT.

We must not forget to tell the curious story of Judge Flinn, and his unwarranted and untimely acceptance of the verdict of *eleven* jurors, instead of twelve, in a very important criminal case. There was a trial in his criminal court of an actor of the People’s Theatre, on the southeast corner of Sixth and Vine, for malicious stabbing with intent to kill the husband of a somewhat celebrated German actress at the theatre, in a big fuss which occurred among the actors and actresses. From the conduct of the judge upon the bench throughout the trial, it seemed to be his determination, that the defendant should be *convicted* of the felonious charge in the indictment. The secret of this leaked out in the subsequent progress of things. The wife of the prosecuting witness who was stabbed, was a very beautiful woman, and when in court giving her testimony in the case, she excited a great deal of sympathy of all concerned, and the very particular sympathy, and manifest affectionate treatment of the judge. The trial was over in court, and the jury retired to consult of their verdict, and they were out, and purposely kept out by the judge, a very long while. Having remained out all night, at the opening of court next morning, the jury were sent for, and brought into court, and asked by the judge if they had agreed

upon their verdict. The foreman arose and said "they had, and their verdict was, that the defendant was guilty in manner and form as charged in the indictment." At this one of the jurors jumped up in his place and said quite loudly and indignantly, "that is not my verdict."

Court—"What? What's that you say, juror?"

Juror—"That is not my verdict I voted not guilty, and never agreed to the other eleven."

Court—"No matter—the record will all be right, Mister Clerk, enter the verdict as the foreman of the jury has given it. We will take care of our own court, and jury and our own records."

The clerk as ordered by the court reluctantly took the verdict from the foreman, and entered it of record. The attorney for the defendant abundantly expostulated and protested, but to no effect, as the tyrannical court was determined in its tyranny. He moved for a new trial, and in arrest of judgment, but no good; the prisoner was sentenced to five years in the penitentiary by the benumbed judge.

And now the sequel! Of course this was a high-handed outrage upon law and justice, upon the part of the obstinate court, and it was so considered by all the bar, and all the newspapers, and all the citizens. The lawyer for the defendant was especially outraged, and indignant, and very mad. But what should he do? The record of the court appeared all right, and the court would not allow him a bill of exceptions on the facts as they occurred in court. A lucky thought struck him. The District Court of Hamilton County, then consisting of Judges John A. Corwin, Stanley Matthews, Donn Piatt and A. G. W. Carter were in session, and forthwith the lawyer applied to them for a writ of *habeas corpus* for his sentenced client.

The District Court heard the application patiently, and though against law and precedent, and very extra judicial, they unanimously determined to take the bull (Jake Flinn) by the horns this time, as the only thing left, and granted the writ, and released the prisoner from the grappling clutches of the tyrant, criminal judge, and the newspapers, and all the people of Cincinnati approved and applauded them for it, and though against the law, it was diamond cut diamond, and above all, it was JUSTICE!

But not so, fiery and mad Judge Flinn, he felt discomfitted, and damnably defeated, and he threatened loudly, to whip every one of the judges of the District Court, and would perhaps have tried to do so, had it not been for the abundant personal talk that Judges Piatt and Carter had with him. They so shamed him for his menaces and threats, telling him that if he committed any violence upon any of the judges, he himself would be taken from the bench of his own court and lodged in jail—for the District Court were so determined—that he at last wisely concluded, that he had better give it up! and he did!!

“GOLDIBUS GILDIBUS.”

In the year 1832, the great democrat, Robert T. Lytle, had been defeated for Congress by the Whig candidate, Bellamy Storer, and in 1834, Lytle wanted to try the political contest again with Storer. Accordingly, Bob Lytle was renominated by the flourishing and prospering democrats, and Storer, afraid of the result of the contest, evidently, declined to be renominated by the Whigs, and would, on no account, consent to be a candi-

date for Congress, being, as he said, and gave out to his Whig brethren, quite content with one term in Congress. On the declination of Storer, the Whigs grew facetious, and by way of derision at, and ridicule of the democrats, nominated an eccentric fellow-citizen, named George Washington Mason, and called, for short, "Wash Mason," and generally known as "Goldibus Gildibus." He got the sobriquet on account of his opposition to Tom Benton, and his gold money; and one day, in his wrath, thinking he was classical, he called Tom Benton, "Goldibus Gildibus," and the name, instead of attaching itself to "Old Bullion," emanating from so obscure a source, stuck to its originator, and he was ever afterwards known as "Goldibus Gildibus," and he delighted in the notoriety of the name.

Being now the Whig candidate against democratic Bob, he issued a public proclamation or great manifesto, to which was appended the name "Goldibus Gildibus," and actually came within a few votes, at the election, of beating the democratic war horse. Venerable citizens will never forget the contest of 'Goldibus Gildibus' *versus* Bob Lytle!

SOME REFLECTIONS.

We are now nearing the end and conclusion of our facetious reminiscences and anecdotes, not altogether because of the want of material, however, for there is undoubtedly some of that left, and if I should venture on the sober and serious, and sad and sorrowful scenes and incidents of the old court house, I should have a vast deal more to be recorded. But before we leave the funny side of the old court house, we must be permitted to revive the times and memories—"like flowers in water"—

of some of those who, with no distinction as lawyers themselves, were frequently called upon in their way, to judge of the law, by the help and aid of the lawyers, and as their judgments were appealable to the old court they more or less became a necessary part of, and really belonged to the old court house. Accordingly, we venture to present some few of these.

THE JUSTICES OF THE PEACE.

'SQUIRE WICK ROLL AND THE DEED!

In the days of yore, we used to have some funny Justices of the peace or *small pieces of justice* in this city and county. Among the funniest of the funny, was one Wick Roll, Esquire, who used to keep his office for many long days, a long, long time ago, in a little old frame shanty, at the immediate junction of Vine street and the Hamilton road. He was a Justice of the Peace for Millcreek township—our city in those days not extending so far out in its corporate limits. Wick was a peculiar and particular fellow in his ways, and sometimes it would not have been at all amiss to call him *Wicked* Roll, for he swore on and off the bench like a trooper, and sometimes during the progress of a trial before him, you might have *sworn* that the whole army of Flanders were then and there about. Wick was a Dogberry, a regular Dogberry in his court, as well as a swearer.

On one occasion, a man and his wife presented themselves before 'Squire Wick Roll to get a deed made out by him, and to execute it, sign, seal and acknowledge it, in his presence. The old 'Squire figured away with pen and ink-horn, and wrote out the deed, and then got the parties, man and wife, to sign, seal and acknowledge the deed; and then the 'Squire signed it himself, as justice of the peace, and delivered it to the parties, and got his dollar and a half for his magisterial services, and they went away to sell their property, and to deliver the deed to their grantee. Now, this grantee had a lawyer, and he put 'Squire Wick Roll's deed into the hands of the lawyer, and lo! and behold, when the lawyer looked at, and examined the deed, he found that the signature of "Wick Roll, justice of the peace," was made to the body of the deed, and the signatures of the grantors were attached to the acknowledgment. Of course, this was no deed at all, and all parties immediately repaired again to the 'Squire, who, when he again saw the deed, contended with the lawyer that it was all right, that "it made not a d—d bit of difference, so the names and seals of the parties were to the deed, and his own also; they might be placed anywhere, and the deed was a good one; and they all might go to the devil, anyhow if they didn't like it; he'd be d—d if they mightn't."

'SQUIRE R—— AND HIS ADJOURNMENT OF COURT FOR A PURPOSE.

Another curious specimen of justice of the peace in former old times, was 'Squire R——. It was an easy matter to roil 'Squire R——, and he never tried a case before him without getting more or less *riled*. One day,

in a trial before him, one of the belligerent attorneys was not at all disposed to put up with the irritability and petulousness of the overruling 'Squire. He thought that the 'Squire's petulant law rulings were sacrificing the interests of his client to the great advantage of the other side, and quite out of patience, he finally exclaimed :

"Oh, what a court !"

. 'Squire—"What's that you say, sir?"

Lawyer—"I say this is a hell of a court !"

'Squire—"You do, do you? Well, I'll adjourn this court for five minutes and see which is the best, the court or you."

No sooner said than done. The court was adjourned, and right at the complaining lawyer the irate Irish 'Squire went, in true Donnybrook style, having a shillelah, which he always kept by him, in his hand, and beating the lawyer most unmercifully though the lawyer defended himself and proved quite a match for the bellicose and bellyful 'Squire.

The fight through, the 'Squire proclaimed, "this court is now in session, and the parties will proceed with their case before the court." But the case, or the parties did not proceed, for the lawyer went out, got a warrant, and then and there had the doughty 'Squire arrested for assault and battery, and had his own case dismissed from his further jurisdiction !

'SQUIRE SEDAM, MONARCH OF STORRS, AND HIS DECREE
OF BANISHMENT TO THE "DARK AND
BLOODY GROUND."

Every one of the present day knows of, or has heard of 'Squire Sedam, of Sedamsville, of Storrs Township. It is but a few years since he "shuffled off this mortal

coil," after attaining upwards of three-score years and ten. Well, of all justices, he, perhaps, was the most peculiar, particular, persistent, peremptory, persevering, predominant, preëminent, and *personally* popular. He was lord of the manor; he was monarch of all he surveyed. I believe he laid out and surveyed Storrs Township, and he was King Henry the First, of Storrs Township, if not King Henry the Eighth, whom in many delicate respects, he resembled, however, and king of his own Star chamber, too. With all his dogmatic and arbitrary ways, and legal and other kind of ignorance, he used to do a great deal of good after his manner, and for that reason continued to hold his magisterial office, for many terms of years.

His neighborhood had been infested with chicken thieves, and many and many were the complaints of his neighbors to him. He had always had a faithful constable, that is always faithful to him in his office, and he sent this constable out ever and anon, to look up and catch the chicken thieves. At last the constable caught a notorious one, and brought him before the 'Squire. The 'Squire put him to trial immediately, and the evidence plainly convicted the man. "Now," said the 'Squire, "you chicken thief, I am going to banish you to Kentucky—over the river to Kentucky, and the sentence of the court is, that you be immediately banished to the State of Kentucky, and the court itself will see the sentence carried out in full." Whereupon, the 'Squire ordered the constable to bring the man along, and his own residence and office being on the bank of the Ohio river, he went down to the river, put the man into a skiff and ordered the constable to get in, and row the man over the river to the shores of Kentucky, telling the man that it would be

certain death to him if he ever came back. The constable rowed him over, and *that man never did come back.*

THE SQUIRE AND THE LAWYER FLINN.

Whatever the judgments of the 'Squire were, he would never allow an appeal to the higher courts from his judgments. He never would furnish any lawyer a transcript of his judgment upon which to take an appeal. Upon one occasion the lawyer, big Jake Flinn, tried a case before Sedam, and Jake's client was beaten, and a judgment was rendered against him, much to the vexation and deep chagrin of lawyer Flinn. He immediately gave notice of an appeal, and demanded peremptorily from the 'Squire a transcript of the proceedings before him. The 'Squire refused as peremptorily, to write out, or give a transcript. A quarrel ensued, and almost a fight between the 'Squire and lawyer; and at last the dogmatic Dogberry ordered the lawyer into durance vile. And into where, think you? Why, the 'Squire had his own prison on his own premises, which he called the *Bastile*. He never had any use for the county jail or any other jail, but his own bastille, and into this he always cast the prisoners who were brought before him. This was at first a milk house on the side of a hill on his premises, but the idea of using it for a prison struck his illuminated mind, and he employed workmen and made it one, the opening to the damp stone walls within, being a large iron door, the key of which he kept himself, and above which he had placed two crossed daggers for a portentous sign. Into this bastille, himself and the constable, after much scuffle and labored effort, placed the redoubtable Jake Flinn, and getting him once in there, left him there, too, until Jake purged himself of his contempt of court by

declaring to the arbitrary 'Squire that he would not demand a transcript, and would not take an appeal; and Jake, getting out, was as good as his word, rather than have any more fuss with his old Jackson Democratic friend, 'Squire Sedam, of Storrs; for Jake was a candidate before the Democratic convention for the nomination for the legislature, and he knew well that 'Squire Sedam would be *the* delegate from Storrs.

THE 'SQUIRE' AND THE TRAMP.

Of course the neighborhood of Sedamsville in days of yore had its loafers, now called tramps. One of these who, ragged and forlorn, had been looking about for a suit of clothes for some time, one day espied his opportunity, and went into the house of a good citizen of Sedamsville and stole a whole suit of clothes—coat, vest and pantaloons—and put them on, leaving his rags in their place. The tramp was seen to come from the house with his new suit, and was arrested and taken immediately before 'Squire Sedam. The owner of the suit of clothes appearing against the culprit he was found guilty, and the 'Squire then and there ordered the prisoner to divest himself immediately of the coat, vest and pantaloons, in the presence of the court, and restore them at once to the owner. In vain the poor devil prisoner pleaded that he had no other clothes to put on, that he would have nothing left on him but his old worn and soiled shirt, and he would make a naked appearance before the court.

"Off with your coat," said the 'Squire. And the scared man obeyed.

"Off with that vest," said the 'Squire. And the trembling prisoner obeyed.

“Now, off with those pantaloons!” And the poor shame-faced and heart-broken vagrant at last obeyed.

“Now give all those clothes to their proper owner.” And the poor devil tremblingly did so.

“Now, Mr. Constable, put that *shirt-tail* man into the bastile. This court is now adjourned.”

The constable took the naked man, and walking him among the trees and shrubs, at last, reached the bastile and put him in, and locked him in, after swinging the big door. The owner went home with his clothes, fully satisfied with the justice done by 'Squire Sedam.

The 'Squire was not satisfied, however. In his own individual person he came up to the city, and went to a clothing store, and purchasing a common suit of clothes, he returned to his home and office, and taking the key and going out to the bastile, he unlocked the door, went in and gave the new suit of clothes to the poor naked tramp and ordered him to put them on immediately, which being done, he ordered the tramp out of the bastile and out of the township of Storrs, and the tramp *obeyed*.

THE 'SQUIRE AND THE SET-OFF.

On one memorable occasion there was a trial before 'Squire Sedam, in which the plaintiff claimed judgment against the defendant for one hundred and twenty-two dollars, for goods sold and delivered. The goods were groceries, furnished by the plaintiff from time to time to the defendant, and upon which it was in proof that the defendant lived, from time to time at his humble home in Sedamsville. The evidence was plain and conclusive against the defendant for the one hundred and twenty-two dollars; but he said to the court that he had a defence, and he could prove it.

“What is your defence?” demanded the court.

Defendant—"Why, this man, the plaintiff there, has been for a long time courting my wife."

Court—"What! what is this?"

Defendant—"Why, he has been having to do with her, for a long time."

Court—"Where is your proof?"

Defendant—"I can swear to it myself."

Court—"Swear then. Lift up your right hand."

And the oath was duly administered, and the defendant swore to the facts of the *crim. con.*, directly and positively, so as to convince the court.

Court—"In this case we will have to give judgment for *his costs, to the defendant*. We allow his defence, as a complete *set-off*, in the language of the law, and order the plaintiff to pay the costs. Judgment will be entered on the defendant's *set-off*, for the defendant, and it was done sure enough! The *set off* was *set down* in the record, and judgment for the defendant, and costs, and execution was awarded therefor!

THE 'SQUIRE'S COURT ROOM, AND THE BIG BOMBSHELL.

Right near his mansion house, old 'Squire Sedam had an especial building erected for the purposes of his court, and he called it, by a big sign painted over its door, the "STORE'S TOWNSHIP COURT HOUSE." Why "Storrs" was spelled "Store's," was among the things that have not transpired, though the 'Squire, if he was to blame, was not very learned, or skilled in orthography at all. "Storrs" is however, pronounced *Stores*. The lower room of this two story structure was the court room, and was adorned with a bench and a bar, separated from the auditorium by a balustrade. The walls of the court room were hung with daggers, bowie-

knives, butcher-knives, guns and pistols, and various other stolen articles, trophies of justice which the old 'Squire had taken from miscreants who had been brought and tried before him, and these he considered as *deco-dands* to him, the veritable king of Storrs Township. Among other singular and peculiar things in his court room was a large bombshell, which had been brought or stolen from some battle-field, and had been presented to the 'Squire. It laid on the floor near the judge's bench, and when in long days ago, I, as a lawyer, asked the 'Squire "what that bombshell was for, lying in the court room?" he replied:—

"Oh, I keep it there, for my juries."

"How is that?" I ventured to ask.

"Well, you see," says he, "I always want my juries to agree, and bring in a verdict *quickly*; so when a case is submitted to them, I close my charge, by telling them—and I mean it—that now the court will leave them to consult together, shut up in the court room, and then I point out that *bombshell* to them, and tell them that there is a fuse to it going through outside, and if they do not agree on a verdict at the end of five minutes, I will fire the fuse, and blow them sky-high; and of course all the juries in my court, *always agree in five minutes*; and I have no trouble with my juries at all." I thought, he had not.

SQUIRE SEDAM BECOMES PROVOST MARSHAL, AND SCARES
THE CINCINNATIANS.—THE RAMROD SHOT
THROUGH A STEAMBOAT.

During the great Rebellion, and when the city of Cincinnati was greatly threatened by the rebels and an attack from them was daily and nightly expected, it was thought a right good thing by the commanding general,

Lew Wallace, at the suggestion of some of his aids, among whom Captain Van Loo, the photographic artist, was conspicuous at the time, to make the 'Squire, on account of his great influence and power over his fellow-citizens in Storrs township, a provost marshal to control the people of the river township, and see that the rebels would not cross the river opposite Sedamsville, and surprise the people of Cincinnati, particularly in the night time. The General gave the 'Squire a most singular, peculiar and wonderfully comprehensive military commission, extending his military jurisdiction from Sedamsville on the Ohio river, to the city of New Orleans on the Mississippi. Armed with this precious document, the Squire-provost immediately proceeded to business, and stationed his park of artillery consisting of three mounted cannon, all six-pounders, on the bluff bank of the Ohio river, in the rear of his mansion, and all pointing across the river to Kentucky, fully prepared to defend against any, and all rebel trespassers from the Kentucky side. Having placed his park of artillery, he gave the immediate command of them to his confidential constable of his justice's court, John—the Dutchman, whom he had, for more than a quarter of a century, retained in his civil service, and now placed him in confidential position, under his military care, really, as his confidential lieutenant.

One unfortunate night, the provost marshal and his Dutch lieutenant, celebrating their military honors, thought they might have a good time in the absence of the rebels, or any sight of them, from over the river, and they both together imbibed so freely, that at last they got on a regular spree. In this condition they took it into their heads that they might amuse themselves, and startle the State of Kentucky, by firing off the park of artillery, at mid-

•

night, with blank cartridges. So, at it, they went, and alarmed and terrified all the good people of both sides of the river, who could not tell for the life of them, what the repeated firing off of artillery on the banks of the river at Sedamsville, at that time of night, meant. But this was not all. The next morning the whole city of Cincinnati was in terrible excitement and affright, at the fearful tidings that the rebels had crossed over from Kentucky in the night, and had taken possession of 'Squire Sedam's celebrated park of artillery, and were engaged all night in firing at the steamboats passing up and down the river. And the fact was, that the Steamer Ben Franklin, coming up from Louisville, and then lying at the wharf, had been shot through, and a large hole had been made clean and clear through her upper cabin, which was plainly visible to all citizens who went to see. General Lew Wallace at once ordered the dreadful matter to be inquired into, and investigated, and sent down a guard and military *posse* to Sedamsville, to the headquarters of the provost marshal, direct. They found the provost Quixote and his Sancho at their post, but both so inebriated as to hardly tell anything they knew, or that had occurred. They visited the park of artillery on the banks of the Ohio, and there, sure enough, the *debris* of ammunition around, and the powdered condition of the cannon, were proofs strong that there had been firing-off, during the night: besides, the neighbors told them of the repeated loud cracks of artillery. But what was singular, among all their findings they could find no *ramrod*, by which the guns must have been loaded or rammed down, if there had been any firing. The provost and his lieutenant, when questioned, knew nothing about the ramrod, and they now insisted that they had been firing off noth-

ing but blank cartridges, for fun. Where was the ramrod? That was the important question. They could give no information at all about it, and it could not be found anywhere, and there was terrible mystery about the ramrod. At last, a puffing and blowing butternut-trousered Kentuckian was seen to be coming up the bluff bank of the river, with a club or something over his shoulder, having left his skiff moored to the adjoining beach, and he told the enquirers, exhibiting what he had on his shoulder, that he had heard firing of cannon last night from this side of the river, and in the early morning, when he was about to cross the river to see what it was all about, he had picked up this ramrod on the Kentucky shore. The evidence was now plain, the mystery was solved. The 'Squire and his henchman had fired off one of the guns with the ramrod sticking in it, and the explosion had driven the ramrod through the cabin of the Ben Franklin, as she was coming along the river, puffing in peace and quietness.

'SQUIRE SEDAM SPIKES HIS GUNS.

'Squire Sedam kept his park of artillery of three six-pounders, on his place at Sedamsville, long after the finishing of the Rebellion—and he used to fire them off with blank cartridges on great occasions. At the time of the National Democratic Convention in the city of New York, in 1868, the 'Squire was confidently expecting the nomination of his favorite friend, George H. Pendleton for the Presidency of the United States, and so sure was he of his celebrated friend's nomination, that he had planted and loaded his park of artillery to their muzzles, for the due and proper celebration of the event when the glad tidings might come. The old 'Squire

waited, and waited, and waited, and at last a fellow-citizen brought the bad news to him, that his friend Pendleton was defeated, and Horatio Seymour was nominated.

"Say-more?" interrogated the 'Squire.

"Yes, Seymour;" was the reply.

"D——d if I see more, ejaculated the 'Squire, and will not say more. "Here John," calling his Dutch constable and lieutenant. "Here John, go at once and spike those d——d guns, and never let me hear or *see more* of them." So Dutch John went, and getting proper material, really did spike every one of the famous park of artillery, and they have remained spiked ever since, and will, perhaps, until Pendleton is nominated for President.

PROVOST MARSHAL SEDAM, AND HIS FAMOUS COMPANY.

"If I be not ashamed of my soldiers, I am a soused garnet."

—*Shakespeare.*

General Lew Wallace, of Indiana, being in command here at Cincinnati, and the rebels near and threatening, on the borders of Kentucky, it was necessary to draft, and have as many soldiers about here as possible. Accordingly 'Squire Provost-Marshal Sedam was ordered to draft, and bring up a company from Sedamsville and vicinity, to the city. No sooner commanded than he went about obeying, and in a few days, the Provost Marshal and his most extraordinary company of "good householders," and contracted bachelors," and "such a commodity of warm slaves, as had as lief hear the devil as a drum," presented themselves in the street before the door of head-quarters, all drilled and prepared for military duty, that is to say, as much as could be under the *pressing* circumstances. They were all *uniformed*

in the old Continental uniform, and Captain Sedam himself was particularly distinguished for his cockade three-cornered chapeau, his blue shad-bellied coat, with many brass buttons, and buff lining and trimmings, and his wondrous high-top boots, and old spurs attached to the heels, sticking out a foot quite in length, though he was of the infantry, which made him look like a doughty cavalry hero of very many wars. The General surveyed the Captain and the company, in mute astonishment and genuine surprise, and the Captain made a speech to him, and, among other things, declared: "Here, may it please your Excellency, are my soldiers, which I deliver to your honor—*married* Dutchmen, every d—d one of them—and dressed up in Continental toggery. I chose Dutchmen because these d—d furriners must fight for their adopted country. I pressed *married* men to make them fight for their wives and children—and I shall myself take care of the wives, they leave behind them—I'm a good hoss in that respect, and I got the Continental uniform for them all, that they might be continually reminded of their forefathers of the Revolution." The company of Dutchmen was accepted, of course, though much against their will, *to remind them of their forefathers of the Revolution!*

THE AWKWARD, BUT INCISIVE TOAST, OF THE OLD
SHERIFF-MAJOR, OR MAJOR-SHERIFF!!

Having told something of our justices of the peace, it may be quite proper to relate a story of an eccentric sheriff of the county in the days of yore, when he was a lusty and bustling bachelor, and not when he afterwards became a musty married man. He lived along in the first days of the old court house as a batchelor sheriff,

and was quite proud and showy of himself and his office. He was very fond of his personal appearance, and made up sometimes quite like a peacock, and flamed up as a flamingo, for he was given to a shad-bellied broadcloth green coat, with shining brass buttons, and a large ruffled flaunting shirt bosom, with big brilliant breast-pin, and a flaming scarlet red neckerchief, and then such a broad-rimmed white Campeachy hat; he was a very Adonis, or rather *a-done-us* or *un-done-us*, and frequently was the subject of much observation, and blank admiration. We are not in want of names, but we shall call him Sheriff-Major H——. Well, the major was very popular and very patriotic, and when any thing was to be done for a Fourth of July celebration, he always was on hand. If there was a Fourth of July dinner, sheriff-major was there, and was always called upon for a toast.

It happened that a certain Fourth of July was coming on, and there was to be a great dinner at the old McFarland three-story tavern, in the rear of the old court house. The sheriff was, of course, going to attend the dinner, and as the time drew near, bethinking himself that he would be called upon for a toast, he set to work to have one duly prepared. He could not make up a good one himself, but he thought he knew who could. So he went to the law office on Third street of his friend lawyer Benham, one day, and presenting himself, he said:

“ ‘Squire Benham, Fourth of July is coming on, and we are going to have a dinner at the McFarland tavern, and I am going to be there, and I shall be called upon for a toast, and I have just come to get you to *write* me out a *good* one.”

Lawyer B.—“ All right, Major, what shall it be?”

Major—“ Oh, just as you think best, ‘Squire; I will

leave it all to you, Squire—I rely upon you; you can do *just the thing*.”

Lawyer B.—“Bachelor as you are, suppose I write you a toast for the *ladics*—a patriotic one on the—let me see—oh yes, the *women of our country*—THE WOMEN OF OUR COUNTRY.”

Major—“Excellent i’faith—let it be that—let it be so—first-rate. I am in for the women.”

So lawyer Benham sat down at his table, and wrote the toast as largely and plainly as he could on some blank paper, and gave it to the major, and the major took it gladly, and read aloud—partly to himself: “*The Women of our Country—may they always so assist the patriots of our country, that our encmies will cry out, ‘pec-pec-pec’*—what is that last word, ‘Squire?’—what in the devil is it?”

Lawyer B.—“That is ‘*peccavi*,’ a Latin word, and signifies I have sinned—we give up—we cry quarter! quarter! *quarter!*”

Major—“Pec-cave-y? A *Latin* word? Means give up—*quarter?*”

Lawyer B.—“Yes; that’s it.”

Major—“A d—d good toast!” and the major left the office.

Fourth of July came on, and in the afternoon, dinner at the McFarland tavern; and there were present many patriotic guests, and they ate their stomachs full, and they *drunk* more than their bellies full. And now came along with the flow of bowl, the flow of soul, and several toasts were given and responded to with approbation and applause; and at last there was a ringing and a wringing cry, for the major “Major H——, sheriff of the county. A toast from the major—Major H——.”

With some difficulty, holding on to the back of his chair, the robust and rotund shad-bellied, green-coated, and brass-buttoned, and scarlet-red-cravated, purple-red-faced major arose, and at last, maintaining an erect position as practicable, he buttoned his brass coat up with his green buttons, and began :

“ M-i-s-t-e-r Chairman and f-e-l-l-o-w c-i-t-i-z-e-n-s: Bachelor as I am—excuse me—if—I—give—you—the—women—of our—country. Mister—Chairman—and—gentlemen—the—the women—the women of our—delightful country—I say, Mr. Shairman—the delightful women of our—common country.” At this he paused, and ran his hand into his breeches pocket for his bit of manuscript, but could not reach it or find it, and failing in this, again he screamed out—with a turn around, and around !

“ Misser Shairman—and gentlemen—the women of our country—may they—may they—may they !”—and stopped again, and rammed both his hands into both his trousers’ pockets, and finally drew forth from his right side trouser pocket the coveted paper, and holding it up before his double-seeing and double-looking eyes, he went on : “ The women of our country—may they—ah ! I’ve got it—I’ve got the d—d thing—may they—by thunder, I can’t read—but I remember—may they—always—so—resist—the enemies of our country—that—our enemies—our enemies—will—hollow out—will hollow out,” —and now he did look, and look, at the paper to get that *Latin* word, but he couldn’t make it out—and he turned around and around, and danced and stamped, and swore and cursed, and began again : “ Misser Shairman and fellow citizens—excuse—me, bachelor as I am—I give you—the—women of—our country—may they always—so

resist the enemies of—our—country—that our enemies will call out—will call out,” screeching to the top of his voice, and arms and hands extended high aloft “that they will call out—hollow out—yell out—‘*lend me a quarter! by the living eternal!!*’”

And just such a roar and a shout as arose and continued around and about that table, never occurred before in the complete history of mankind. There was nothing ever like it, and the toast was lauded and applauded to the echo, and it was unanimously voted that there was nothing like that toast of the major’s, ever before in the annals of the world! And all united in one great hurrah and huzza, and slammed the table, and broke up the dishes and glassware, and broke up themselves in a general row! Such was this Fourth of July, and such was the major sheriff’s toast, and so the bully bachelor *toasted*—and so, *he* was *toasted*, and *roasted*!

A LAWYER OF THE OLD COURT HOUSE PRESIDENT OF
THE UNITED STATES—RUTHERFORD B.
HAYES—OUR PRESIDENT.

In these reminiscences, it may be permitted to extend the limits of the times of the old court house, to say a word or two about lawyer Rutherford B. Hayes, now (1880) the President of the United States. He was a member of the Cincinnati bar from the year 1849—the year in which there was an end to the old court house by fire—so that he may be said to have belonged to the latter end and finale of the old bar. He was a modest man, and a modest and moderate lawyer—of respectable talents and ability, and some promise, but he never particularly shone at the bar. He was once, in the beginning of his career here, a partner in law of Dick Corwine, and the

firm was Corwine & Hayes. William K. Rogers, now his private secretary in the White House, coming to our city was let into the firm, and the style was then Corwine, Hayes & Rogers, and a good deal of business was done by this firm. At the breaking out of the rebellion, lawyer Hayes became a major of Ohio volunteers, and went into the war, was wounded and made a brigadier-general, and while yet in the field was elected to Congress for the second district of Hamilton county, and again elected, and afterwards became thrice Governor of the State of Ohio, and while this last, he was "*counted in*" President of the United States. Shakespeare, in his "Twelfth Night," makes Malvolio read in the trick letter :

"Some are born great, some achieve greatness, and some have greatness thrust upon them."

In this last *sum*, friend Hayes must be counted, and accounted for,—"*counted in*"—for he has literally had greatness *thrust* upon him. He was never known to seek or ask for position or office, in his whole eventful career of life. He did not ask, though it was given him; he did not seek, but it was found for him—indeed he is the rarest example in history, of the rarest luck. It is said, "a fool for luck," but Mr. Hayes never was a fool. He appeared always prudent, wise, and sagacious enough and undoubtedly was so, throughout all his life, but never brightly, luminously, or conspicuously so. He was never *greatly* distinguished for any thing, but he always did his duty—did well whatever was in his way or before him, to do. He always acted well his part or parts in life, and nobody has ever had anything to say, or any occasion to say, anything against him. He always was himself, in every situation, and every emergency, and exigency. He was always Hayes, but never hazy. Equal and even

has been his whole life, and equal and even has he ever been himself. His equanimity has always attracted admiration, and even the Presidency of the United States did not, and has never, and does not now disturb his serenity. He is emphatically and perhaps preëminently, a *serene President*. He told me himself in the White House some time ago, that since he had been President of the United States, he had never lost a moment's sleep. How conscience-safe—how serene indeed! He permits nothing to ruffle him in any way, day or night. But after all, it may, with much fitness and propriety, be said that *President Hayes* is the strongest, or weakest illustration of the modest and simple verity of the school-boy poetic line :

“Tall oaks from little acorns grow.”

The first law case of importance and of great notoriety, and which made the name of “*Hayes*” well known to the public, was the criminal case of the State of Ohio against the woman Nancy Farrer, indicted for murder in the first degree—the penalty of which was death. The case was one of poisoning to death, and was most remarkable in its character, features, and incidents. The young lawyer of the Cincinnati bar, Rutherford B. Hayes, was appointed by the court to defend the poisoner-prisoner, and he did it well, as he did everything well. The facts about this were so interesting and noteworthy, that I take the liberty of inserting a concise summing up of them from the columns of the daily *Commercial* of this city, of July 19th, 1878. It is almost *verbatim* :—

THE NANCY FARRER POISONING CASE.

Thirty years have come and gone, and yet the first and greatest case that President Hayes ever was engaged in transpired in this city, and while as the lawyers say it

was the most remarkable criminal case of American record, its rehearsal at the present time is pertinent and newsy for two reasons. It was the case of Nancy Farrer, the female poisoner, whose name was a bug-a-boo to the children, and whose acts were a marvel to the world. First, R. B. Hayes, then a young lawyer, cleared her at last. Secondly, the court permitted evidence to be introduced in her behalf that was an anomaly in criminal jurisprudence.

Nancy Farrer was a peculiar woman. Though only a serving maid, she exhibited a tact or talent that baffled lawyers and juries, despite the great crimes she was the center of. In August, 1851, she was working as assistant nurse in the family of a Mrs. Greene. An Italian woman, named Mrs. Brazilli, was the chief nurse. Mrs. Greene died suddenly. October, 1851, found Nancy ensconced in the home of Mr. Elisha Forrest, a well-to-do merchant in Fulton. The family consisted of five persons—Mr. Forrest, Cassandra, his wife, and three children. She soon made herself at home, and, despite the ugliness of her appearance, made friends, and the children became attached to her. Mrs. Forrest soon sickened, had spasms, and died in violent agony a short time after Nancy had entered the family. In a few days the youngest son was attacked with symptoms similar to the fatal ones that carried off his mother, and on the last day of November, James Wesley Forrest, another son, was similarly attacked, and speedily died, despite all the medical aid that could be brought to his assistance. Mr. Forrest and his only remaining child remained and they too were attacked. Yet they recovered. Such astounding mortality in a single family, who were in apparent good health when attacked, was the comment of the neighbors

and unaccountable even to the physicians. Was it a judgment of God, or was there foul play? Mr. Forrest on his recovery, though not a man of a suspicious nature, had reasons to be extremely suspicious now. He believed that he and his family had been poisoned, but who had done it? Who had access to the family? No one but Nancy, and in her, his suspicions centered and lingered until the most damning proofs of her guilt were established.

He watched her every movement; came upon her suddenly; in her absence examined her room; and used every detective means in his power, to corroborate the terrible idea that haunted him. Nor were his efforts in vain. On a pair of back stairs leading to her quarters, he found one day a piece of brown paper, on which was a label marked, "Dr. Salter, druggist. Arsenic. Poison." And what would Dr. Salter say? The paper and label were shown to the doctor, who then was keeping a drug store, at No. 60 Broadway.

"Oh, yes," he said; "certainly, I sold that arsenic to your girl Nancy to poison rats."

Now he had her.

One step more was needed to weave around the head of the serving maid conclusive evidence of her guilt. That was to hold a *post mortem* examination on the stomachs of the victims. This was at once done, and with fatal result, for in the stomach of all them great quantities of arsenic were found. When the *post mortem* of James Wesley Forrest was held, Nancy was present, but neither her countenance nor her manner, not a glance, not a wink, gave indication of her guilt.

She was arrested at once, and at a preliminary examination held before Mayor Spencer, committed to

appear before the grand jury on a charge of murder. The grand jury lost no time in finding four indictments against her for the murder by poisoning with white arsenic the three members of the Forrest family, and jointly she was indicted with Mrs. Brazilli, the Italian woman, for the murder of Mrs. Greene. Being without means, the court assigned counsel for her defense, and they were R. B. Hayes and John F. Hoy. They were assigned by Judge Warden, and their appointment was confirmed by Judge A. G. W. Carter, upon his entry into office as one of the judges of the Court of Common Pleas of the county, Judge Carter having been assigned to the criminal side of the court.

The trial was a memorable one, perhaps the most so of any held in this city. It was in the court house on the north side of Court street, between Walnut and Main. It began on the 19th of February, and dragged its weary length along through ten days. The jury was out nearly three days, and finally brought in a verdict of murder in the first degree. They could do nothing else. Not only the great interest manifested in the case, the absence of any motive for the offense, the extraordinary and repulsive appearance of the prisoner, the introduction of anthropologists and phrenologists, who made a personal examination of the prisoner in the presence of the court and jury, rendered it a noteworthy case even then, but the extraordinary charge of Judge Carter to the jury, said by the late Hon. Jacob Burnet, ex-United States Senator, who was present, "to have been the finest charge ever delivered from the bench of a Criminal Court," served to make the case a remarkable one.

To lawyers the case presents extraordinary interest from the fact that this expert testimony of Dr. E. Z.

Freeman and Dr. J. R. Buchanan was admitted. The learned judge ruled that any evidence going to show the mental condition of the prisoner was admissible. Had the State asked for the introduction of such evidence, how would he have ruled? So the doctors examined the the various bumps of her head and her person before the jury and the gaping auditors of the court room. They could not pronounce her insane, though her moral faculties were imperfectly developed. Neither her previous good character, or every day conduct, indicated mental aberration.

Pronounced in death-like stillness, with faltering voice, Judge Carter's sentence is worthy of reproduction here :

"The sentence of the court is that you, Nancy Farrer, be conveyed from this place to the jail of Hamilton county, there to remain in confinement until Friday, the twenty-fifth day of June, next, thence to be conveyed to the place of execution in the yard of said jail, and there, between the hours of eleven in the forenoon and three in the afternoon be hanged by the neck until you shall be dead, and may God have mercy on your soul." Says a daily paper of the period : "During the pronouncing of the sentence the most deathly and painful silence prevailed in the crowded court room ; at the concluding words the judge's voice faltered, and tears stood in his eyes. It was indeed the most painful and solemn ceremony at which we have ever seen a judge preside, and must have deeply impressed those who are wont to sneer at the majesty of the law."

Nancy's doom was now sealed, yet a queer and unaccountable sort of good luck seemed to be bound to follow in her wake. While the jury were in consultation

some meddlesome fellow threw them in a paper containing a portion of the Judge's charge and some other equally officious chap held conversation with members of the jury, on matters not pertaining to the case, however. Still these facts gave a loophole by which to crawl up to the Supreme Court. Mr. Hayes was not slow to avail himself of it. Though refused a new trial, yet he was granted a bill of exceptions, while the case was pending on a writ of *de lunatico inquirendo*. Nancy was brought before the Probate Court, and pronounced of unsound mind, and ordered to be sent to Lick Run Asylum, and afterwards was transferred to Longview. At the asylum she was accounted a genuine treasure. Her nursing qualities were brought into immediate requisition. The patients that were ailing and sick learned to love her. The managers reposed every confidence in her, and even allowed her to take the patients out on excursions in the woods and vicinage of the grounds.

One day Judge Carter was riding in the neighborhood of Lick Run, and the ugly mug of Nancy was soon before him.

"Hello, Judge, how are you? I'm glad to see you. Well you didn't hang me after all?"

The judge could not help smiling at the salutation and *nonchalant* manner of Nancy. "Oh no, Nancy, I should hate terribly to be the means of hanging a woman, no matter how much she deserved it. But what are you doing here?"

"What am I doing? Well, I'm one of the keepers at the asylum. I takes out the patients and airs them. See, yonder, my pets," and she pointed to a group of poor imbeciles in the woods adjoining, some of whom were singing songs, some culling flowers, some lying down on

the green grass, and others suspiciously walking about, yet in the minds of all, the lamp of reason was forever extinct.

“Yes,” said Nancy, “these are my pets; I take care of ’em.”

One day Nancy went out and her memory failed her; that is, she forgot to return, and that memory has never come back, for to this day no one knows where she went, or whether she was murdered, whether dead or alive, who knows? At any rate, her *incognito* is well preserved. It has always been supposed, however, that she went to Salt Lake City, as her father and mother were both Mormons, and she professed the same faith. The family had lived in Nauvoo. The mother claimed she was a prophetess of the order, and Nancy, in her vagaries, said the same thing of herself. Her father, however, died in the Cincinnati Hospital, of *delirium tremens*. It is not probable that any very great efforts were ever made to find Nancy. No rewards were offered. Few knew of her escape, and the fact that she was allowed to go scot free is a sad commentary on justice.

The personal appearance of Nancy was remarkable. No woman, before or since, was ever made like her. Her countenance was actually repulsive. Her mouth hideously large, almost running from ear to ear. It was called a catfish mouth. When the case was being tried, Judge Johnson, the great jury lawyer of those days, stepped up to the judge and whispered: “That woman, why, she’s the product of the god Jupiter and a Mississippi catfish.” The breadth between her eyes was fully four inches, and they were small, deep-set, and malignant looking. Her eyebrows were shaggy and bushy. Her form was voluptuous, or buxom, yet the repulsiveness of

the face marred it all. Her walk was a waddle, somewhat like the pedestrian efforts of a Muscovy duck. But her nose! Such a nose! What was it made for? It resembled two noses. The two ridges were distinctly marked, and when the organ reached the upper lip, it flattened out like the nasal organ of a Congo negro. The wonder always was that with such a hideous physiognomy, she fancied children, was so motherly in her apparent treatment of them, and they became so attached to her, as the evidence produced beyond question, proved.

The most singular part of this singular case is yet to be told. Nancy became, on one occasion, quite confidential with her young counsel, Mr. Hayes. Said she, "I did not poison Mrs. Greene, the Italian woman did it. She showed me how to do it. She taught me."

"Will you swear this, Nancy?" said the young attorney.

"I will, for it is God's truth."

Mrs. Anne Brazilli was indicted. The case came up for trial, and Nancy was the main witness for the State. Mr. Hayes was extremely anxious she should testify, in order to show the public how she, an ignorant serving maid, had acquired her knowledge in reference to white arsenic. The day of trial, Nancy was placed upon the stand, and her conduct confounded everybody. Not a word would she say against Mrs. Brazilli. Neither the threats of the sheriff, the fear of her impending doom, for her sentence had been passed, nor the persuasive words of her counsel, nor the dignified manner of the judge, nor the imposing solemnity of the crowded and expectant court could make her say a word. There was no recourse but to instruct the jury to acquit, and they did. But Mrs. Brazilli did not expect it, and fainted dead

away in the crowded court room. She afterwards moved to Illinois with her husband, where she may now live.

Nancy was afterwards asked by Mr. Hayes for some explanation of her conduct, since she had most grossly broken faith with him. "Oh, well," she naively replied, one woman is enough to hang for murder, and I didn't mean to hang Mrs. Brazilli.

What was Nancy's motive has ever been a conundrum, in legal circles, that no man has yet answered. It was not gain, for the victims she killed were the means of her support and subsistence. It was not a grudge, for they were her friends, her benefactors. What was it? The only plausible theory ever offered was, that it was a brute love of power. She learned the power of arsenic, the little white powders that for a few cents she could buy. Why, she could send people to their long homes, put them in indescribable torments; she, the poor, ugly servant girl. It was a power, a great power; she felt it, she used it—alas too fatally.

THE BENCH AND BAR OF THE CITY OF CINCINNATI.
CONCLUDING REFLECTIONS.

There are many members of the old bar of the old court house whom we have not mentioned beyond their mere names. This is because we have no particular or peculiar anecdotes about them. They who are omitted were not witty or humorous in themselves, or the cause of wit or humor in others, perhaps they were not the subject or object of facetiousness in any way, and, therefore, in presenting the funny or sunny side of the old court house, we have nothing to say about them. Of course if we were disposed at all to be sober and serious, we would have a great deal to say about some of them,

and a great deal more to add about those we have particularly referred and alluded to, in these our reminiscences and anecdotes. There may be some opportunity or occasion hereafter to present the serious and solemn side of the old court house—and when that presents itself—we will take solemn pleasure in picturing the members of the old bar in sober colors and hues, and thus revive their memories for the instruction and edification of readers, but as it is, we have only revived, and only professed to revive, pleasant and facetious memories; and after all, these are our best memories that hang around the old court house, and in reference to them we might with propriety say with an old English poet, of those times

“When at our eyes our souls
Kindled their mutual fires, their equal beams
Shot and return'd 'till link'd and twin'd in one,
They chain'd our hearts together.

From the few of the old bar of the old court house, the Cincinnati bar has increased much in numbers, but I cannot well say in corresponding individual legal ability, and talent, or in forensic eloquence; the days of this, and for its necessity indeed, seem almost to have gone by. But we have still a great deal of legal ability and talent, it may be, as much as in days ago, but now it is more scattered, and diffused, and distributed around among greater numbers, and, therefore, not so prominent, or preëminent in any particular individuals, not so concentrated, therefore, or so electric—bright and luminous; and we have in general something quite to boast of in the Cincinnati bar, from its beginnings even until now. Besides so many and so great lawyers, it has furnished for public duty, many high and lesser officials of the National Government, and of the State Government.

It has furnished two Presidents of the United States,—Harrison and Hayes.

It has furnished two Justices of the Supreme Court of the United States,—McLean and Chase, and one of them Chief Justice.

It has furnished two Attorneys-General of the United States,—Stanberry and Taft.

It has furnished Burnet, Hayward, Wright, Goode-now, Read, Caldwell, Warden, Gholson, and Okey, and Wright as Supreme Judges of our own State, and quite a great number of the judges of our own numerous courts at home. It would make a big catalogue to name them!

It has furnished, I believe, one Judge of the Superior Court of the city of New York, even.

It has furnished two secretaries of the Treasury of the United States,—Corwin and Chase.

It has furnished several governors of our State,—Corwin, Bebb, Dennison, Brough, Hayes, Anderson, and Young.

It has furnished several United States Senators, and and any quantity of congressmen, and legislators innumerable.

We have had, too, from our bar, divers ministers and consuls abroad, and we have now a minister at the court of France.

We have furnished other officials of importance and consequence.

So that we have been, off and on, a bar of some consideration after all, and Cincinnati may feel somewhat proud, and may boast a little of her lawyers—those of the older time and some of those of the present time, albeit they may have not been or be altogether the wisest and the best of men, and albeit they may have done and do

many things to be laughed at and make and have fun over, and all that, and more, too. And our judges ! they have all along been pretty good ones, though not infallible, but very fallible, and that is proper enough ; and they have done things, too, to laugh at and make us grow fat,—as well as most serious, and solemn, and sad, and sorrowful things, sometimes. Between the lawyers and the judges, most men and women of this city and county have had pretty fair justice and law dealt out to them, no doubt ; though, sometimes, it may be, the poetic and facetious story of Pope has been applicable and apropos to the doings of our bench and bar, as it is to very many others in this land, and elsewhere :

“Once, (says an author, where I need not say,)
Two trav’lers found an oyster in their way:
Both fierce, both hungry, the dispute grew strong,
While, scale in hand, Dame Justice passed along,
Before her each with clamor pleads the laws,
Explain’d the matter, and would win the cause.
Dame Justice, weighing long the doubtful right,
Takes, opens, swallows it, before their sight.
The cause of strife removed so rarely well,
‘There, take,’ says Justice, ‘take you each a shell—
We thrived at the old court house on fools like you:
’T was a fat oyster—live in peace—*adieu!*’”

FINAL REFLECTIONS, AND SHAKESPERIAN FINALE.

These shall be but few. We have, then, given many notes and particulars of the funny side of the old court house, and (by particular request?) a few of the shady and dark side, merely to give an inkling of what might be done in this regard if we had a mind, and space, and leisure, to pursue the path. But we prefer not, and we launch our narrative of incidents, events, and sayings and doings as they are upon the public stream, in the hope and with some trust that somebody will take interest in it,

and somebody will be entertained and pleased with labors that have cost us no grievous pains, though some care and consideration. And as a fitting ending to our work, we will look through his great poetic pages, and gather and cite, here and there,—

WHAT SHAKESPEARE HAS TO SAY OF LAW AND
LAWYERS, AND THE LIKE.

We must not make a scarecrow of the law,
Setting it up to fear the birds of prey,
And let it keep one shape, till custom make it
Their perch, and not their terror.—*Measure for Measure.*

We have strict statutes and most biting laws,
The needful bits and curbs to headstrong steeds.—*Ibid.*

Our decrees,
Dead to infliction, to themselves are dead;
And liberty plucks justice by the nose.—*Ibid.*

Oh just, but severe law.—*Ibid.*

The hideous law.—*Ibid.*

It is the law, not I, condemns.—*Ibid.*

The law hath not been dead, though it hath slept:
Those many had not dar'd to do that evil,
If the first that did the edict infringe
Had answer'd for his deed: now 'tis awake,
Takes note of what is done, and like a prophet,
Looks in a glass, that shows what future evils
(Either now, or by remissness new conceived,
And so in progress to be hatched and born,)
Are now to have no successive degrees
But where they live, to end.—*Ibid.*

The all-binding law.—*Ibid.*

Has he affections in him,
That thus can make him bite the law by th' nose,
When he would force it? — *Ibid.*

Sir, I shall have law in Ephesus—*Comedy of Errors.*

In law, what plea so tainted and corrupt,
But being season'd with a gracious voice,
Obscures the show of evil? — *Merchant of Venice.*

I'll answer him by law.—*Taming of the Shrew.*

And do as adversaries do in law,—
Strive mightily, but eat and drink as friends.—*Ibid.*

When law can do no right,
Let it be lawful, that law bar no wrong.—*King John.*

Resolution thus fobbed as it is, with the rusty curb of old father
antic, the law.—*Henry IV.*

For pity is the virtue of the law,
And none but tyrants use it cruelly.—*Timon of Athens.*

For law is strict, and war is nothing more.—*Ibid.*

Who, in hot blood,
Hath stepped into the law, which is past depth
To those, that, without heed, do plunge into it.—*Ibid.*

Civil laws are cruel.—*Ibid.*

Crack the lawyer's voice,
That he may never more false title plead,
Nor sound his quilllets shrilly.—*Ibid.*

Each thing's a thief:
The laws, your curb and whip, in their rough power,
Have unchecked theft.—*Ibid.*

When every case in law, is right.—*King Lear.*

The bloody book of law
You shall yourself read in the bitter letter
After your own sense.—*Othello.*

There is no power in Venice
Can alter a decree established;
'T will be recorded for a precedent;
And many an error, by the same example
Will rush into the state.—*Merchant of Venice.*

Till thou cans't rail the seal from off my bond,
Thou but offend'st thy lungs to speak so loud.—*Ibid.*

The lawyer's [melancholy,] which is politic.—*As You Like It.*

The first thing we do, let's kill all the lawyers.—*Henry VI.*

I will make one of her women lawyer to me ; for I yet not understand the case myself.—*Cymbeline*.

Lear. This is nothing, fool.

Fool. Then 't is like the breath of an un-feed lawyer : you gave me nothing for it.—*King Lear*.

—O'er lawyers' fingers, who straight dream on fees.

—*Romeo and Juliet*.

There's another. Why may not that be the skull of a lawyer ? Where be his quiddets now, his quilleets, his cases, his tenures, and his tricks ? Why does he suffer this rude knave now to knock him about the sconce with a dirty shovel, and will not tell him of his action of battery ? Humph ! This fellow might be in 's time a great buyer of land, with his statutes, his recognizances, his fines, his double vouchers, his recoveries. Is this the fine of fines, and the recovery of his recoveries, to have his fine pate full of fine dirt ? Will his vouchers vouch him no more of his purchases, and double ones too, than the length and breadth of a pair of indentures ? The very conveyances of his lands will hardly lie in this box ; and must the inheritor himself have no more ? Ha ?

NOT A JOT MORE, MY LORD !—*Hamlet*.

FINIS.

ADDENDA.

A LIST OF THE PRESENT SURVIVING LAWYERS OF
THE OLD COURT HOUSE.

“They live,—
But live to die.”

And yet—

“What a world were this,
How unendurable its weight, if they
Whom Death hath sunder'd, did not *meet again!*”

Charles Anderson, Samuel Yorke Atlee, Jas. Boyle, Joshua H. Bates, Jacob Burnet, Jr., Flamen Ball, Sam'l F. Black, Calhoun Benham, Oliver Brown, Robert W. Carroll, Samuel F. Cary, Samuel S. Carpenter, A. G. W. Carter, Samuel S. Cox, John W. Caldwell, William M. Corry,* Edward P. Cranch, Jacob T. Crapsey, Jacob H. Clemmer, Frederick Colton, Nelson Cross, Joseph Cox, Robert W. Carroll, Aaron R. Dutton, William Denison, James J. Faran, William T. Forrest, John Frazer, E. Alex. Ferguson, Charles Fox, William S. Groesbeck, Joseph G. Gibbons, John M. Guitteau, Stephen Gano, W. E. Gilmore, C. W. Gilmore, John W. Herron, Robert D. Handy, John F. Hoy, George Hoadly, George H. Hilton, Robert S. Hamilton, Rutherford B. Hayes, Chas. Hilts, Geo. B. Hollister, Sam'l W. Irwin, Charles P. James, William Johnson, Rufus King, John Kebler, Timothy D. Lincoln, Frederick D. Lincoln, Oliver S. Lovell, J. Bloomfield Leake, Thomas Longworth, Nathaniel C. McLean, Alexander H. McGuffey, Edward D. Mansfield, Patrick McGroarty, Patrick Mallon, Charles C. Mur-

* Deceased, September 10th, 1880.

dock, Andrew McMicken, John B. McClymon, William McMaster, Stanley Matthews, M. W. Oliver, Geo. H. Pendleton, William Phillips, Jr., Donn Piatt, John L. Pendery, Andrew J. Pruden, Alexander Paddock, James W. Ryland, Thomas C. H. Smith, Richard H. Stone, Peter J. Sullivan, John B. Stallo, W. S. Scarborough, Henry E. Spencer, Alphonso Taft, James W. Taylor, William C. Thorpe, Samuel J. Thompson, John B. Warren, James S. White, Crafts J. Wright, Robert B. Warden, Edward Woodruff, D. Thew. Wright, Peter Zinn.

Just ninety survivors all told, out of about two hundred and eighty who belonged, off and on, to the old days of the old court house. But when we just think of it, it is a goodly number after all, and in the language of old Rip, "*Here's to them and their families, and may they all live long and prosper!*"

A LIST OF THE PRESENT MEMBERS OF THE BAR OF CINCINNATI.

By way of *comparison* and *contrast*, this long list of the present members of the bar of Cincinnati is herewith presented. It will do, perhaps, to lay away for future reference as to who constituted the bar in the days of another old court house in times then long ago, when some future author may consider it his duty and privilege to write about them. He will certainly have his author-hands in *numbers* if in nothing else, much fuller than mine, and he may find, too, as I have found in the past, each present and future lawyer—

"A man of law, a man of peace,
To frame a contract or a lease."

First, however, we will, as a matter of precedence,

present the present judges and officers of the three higher courts of Cincinnati, and others—as follows :

*District Court of Hamilton County—Judges—*William L. Avery, Joseph Cox, Robert A. Johnston.

*Court of Common Pleas of Hamilton County—Judges—*Jacob Burnet, William L. Avery, Joseph Cox, Nicholas Longworth, Robert A. Johnston, Fayette Smith, Fred. W. Moore.

*Superior Court of Cincinnati—Judges—*Manning F. Force, Judson Harmon, Joseph B. Foraker.

*Clerk of the Courts—*Samuel W. Ramp.

*Sheriff—*George Weber.

*Prosecuting Attorney—*Samuel H. Drew.

*Assistant—*Miller Outcalt.

*Probate Court of Hamilton County—Judge—*Isaac B. Matson.

*Chief Deputy—*Dan Herider.

*County Solicitor—*Asa W. Waters.

*Police Court, Cincinnati—Judge—*Moses F. Wilson.

*City Prosecuting Attorney—*John P. Murphy.

*City Solicitor—*P. H. Kumler.

THE LAWYERS.

Jos. Abraham, Victor Abraham, Edward Adleta, Howard M. Adae, Isaac J. Allen, John Allen, Wm. M. Ampt, Chas. Anderson, Jr., Frank V. Andrews, Chapman Archer, John A. Ast, Sr., Chas. H. Avery, L'Hommedieu Avery.

Lloyd P. Baen, Henry Baer, Jr., Chas. W. Baker,

Edward H. Baker, L. E. Baker, J. F. Baldwin, Wm. H. Baldwin, Flamen Ball, Flamen Ball, Jr., Leonard R. Banks, H. B. Banning, Warner M. Bateman, Clement Bates, Joshua H. Bates, Wm. M. Bennett, Constantine W. Bente, Albert Bettinger, Bernard Bettman, Jr., John Bevan, Jr., F. J. Biddle, W. P. Biddle, Nicholas Bird, L. C. Black, Samuel F. Black, C. H. Blackburn, Theo. A. Blinn, John Paul Bocock, John L. Bogardus, Louis H. Bond, Wm. A. Boone, Chas. H. Bosworth, John B. Boutet, Geo. W. Boyce, Edward Boyd, Wm. F. Boyd, E. P. Bradstreet, J. D. Brannan, H. F. Brashear, J. L. Bretz, Horatio S. Brewster, Samuel J. Broadwell, Wm. E. Brooks, Abram Brower, J. W. Brower, Adolph L. Brown, Chas. E. Brown, G. W. Brown, I. J. Brown, Oliver Brown, Clarence K. Browne, F. W. Browne, John E. Bruce, Frank Bruner, W. C. Buchanan, Morris L. Buchwalter, Alex. Buckingham, R. N. Bulla, H. J. Buntin, Wallace Burch, Chas. L. Burgoyne, John Burgoyne, Jr., Jacob S. Burnet, Thos. C. Burns, Benj. Butterworth, Cornelius Byl.

Pierce J. Cadwallader, Orin Cady, John A. Caldwell, John W. Caldwell, Samuel Caldwell, William Caldwell, Chas. E. Callahan, Geo. W. Campbell, Thos. C. Campbell, Samuel S. Carpenter, A. E. Carr, M. H. Carr, Alfred G. W. Carter, S. B. Carter, J. E. Cartwright, Samuel F. Cary, Samuel F. Cary, Jr., Jas. R. Challen, Edward F. Chambers, Aaron B. Champion, Walter L. Church, Henry M. Cist, Albert G. Clark, Milton Clark, R. A. Cleary, Jacob H. Clemmer, James A. Clemmer, Alfred A. Clerke, Orris P. Cobb, Wm. C. Cochran, John Coffey, Thos. J. Cogan, Alfred M. Cohen, Charles W. Cole, Henry Cole, Stephen Coles, A. G. Collins, Edward Colston, Fred. Colton, Ralph L. R. Colvin,

Chas. G. Comegys, Chas. S. Conner, John S. Conner, Marinus W. Conway, Thos. M. Conway, Wm. C. Cooder, H. L. Cooper, Frank M. Coppock, Wm. J. Coppock, John A. Corbin, P. J. Corcoran, M. W. Cordell, George W. Cormany, Wm. Cornell, Otway J. Cosgrove, W. A. Cotter, Lyman S. Cotton, C. W. Cowan, Benj. H. Cox, Jacob D. Cox, Jos. Cox, Jr., Frank M. Cozad, A. E. Cramer, Edw. P. Cranch, J. T. Crapsey, S. T. Crawford, Jerome D. Creed, Jacob Creutz, Eugene P. M. Creutz, Albert J. Cunningham, Jos. R. Cutter.

W. A. Davidson, C. C. Davis, J. Davis, J. M. Dawson, M. J. Day, D. P. Dean, E. L. DeCamp, J. T. DeMar, E. J. Dempsey, C. L. Dengler, John J. Desmond, John Dewald, W. H. Dicks, Chas. T. Dickson, Wm. L. Dickson, Wm. M. Dickson, Jacob Diehl, Jr., Albert D. Diserens, William Disney, Ozro J. Dodds, Philip Dolle, P. J. Donham, Howard Douglass, John G. Douglass, R. T. Durrell, E. Potter Dustin, Richard Dyer.

C. W. Earnist, C. S. Eaton, C. M. Edwards, Edwin Edwards, Benj. F. Ehrman, Edward A. Ellsworth, H. C. Emery, Chas. Evans, Jas. J. Evans, Jr.

James J. Faran, Jr., E. A. Ferguson, E. C. Ferguson, Aaron A. Ferris, Howard Ferris, W. C. Fiedeldej, Henry H. Finch, Charles C. Fisher, Charles S. Fisher, Wm. H. Fisher, Jas. W. Fitzgerald, John M. Fitzgerald, John F. Follett, James R. Foraker, M. F. Force, W. T. Forrest, E. H. Foster, John M. Foster, Charles Fox, P. W. Francis, O. I. Frank, Jacob Franzreb, Lewis French, Robert S. Fulton.

J. W. Gaff, J. D. Gallagher, Stephen Gano, Jephth Garrard, Emory M. Garrison, John J. Gasser, Carter Gazlay, Theodore Gazlay, C. W. Gerard, E. J. Gerity, Florian Giauque, Jos. G. Gibbons, Peter Gibson, Jr.,

John J. Glidden, Herman P. Goebel, John Goetz, Jr., Jas. Goldrick, Aaron W. Goldsmith, Frank D. Goodhue, W. A. Goodman, P. S. Goodwin, Leonard W. Goss, John W. Grace, Walter L. Granger, Wm. F. Gray, George L. Green, Ellis B. Gregg, Andrew W. Griffith, Telford Groesbeck, A. C. Grube, Edward Gurney, Erastus A. Guthrie.

Marcellus B. Hagans, Irving Halsey, Benton Halstead, Rob't S. Hamilton, Augustus S. Hamlin, Charles B. Hancock, Miles W. Handy, Thomas Hanna, Judson Harmon, J. C. Harper, George H. Harries, Simeon Harris, George T. Harrison, J. T. Harrison, Henry J. Harrop, John C. Hart, Walker Hartwell, Peter H. Hastings, John E. Hatch, John M. Hayes, John C. Healy, Thomas T. Heath, David Heinsheimer, Jr., Geo. W. Hendricks, James D. Henry, John W. Herron, E. G. Hewitt, Louis Hicks, Wm. A. Hicks, Wm. C. Hicks, Warren Higley, A. F. Hildebrant, T. Q. Hildebrant, Geo. H. Hilton, Thornton M. Hinkle, Geo. Hoadly, A. J. Hodder, Geo. B. Hollister, Howard C. Hollister, James W. Hollister, D. H. J. Holmes, S. Pearce Holton, Henry Hooper, Charles F. Hornberger, Theo. Hortsman, Lewis M. Hosea, Edwin J. Howard, Chas. A. Hoyt, David Humphries, Sam'l F. Hunt, John R. Hunter, Dwight W. Huntington, A. B. Huston, David M. Hyman.

Lewis W. Irwin, Richard A. Jackson, Herbert Jenny, A. J. Jessup, Edgar M. Johnson, J. Wm. Johnson, Simeon M. Johnson, John Johnston, Miles Johnston, Charles H. Jones, Frank J. Jones, Price J. Jones, Rankin D. Jones, Walter St. I. Jones, Wm. E. Jones, J. M. Jordan, Jackson A. Jordan, N. E. Jordan, W. Tyson Judkins.

Chas. W. Karr, Michael Kary, Peter Keam, Chas.

A. Kebler, John Kebler, Chas. C. Keeler, Thos. H. Kelley, Frank H. Kemper, Theo. Kemper, Willis M. Kemper, Rufus King, J. F. Kinney, Byron Kirby, Clinton Kirby, Edmund W. Kittredge, E. H. Kleinschmidt, Max Kohn, Geo. H. Kolker, Adam A. Kramer, Louis Kramer, P. H. Kumler.

Chas. E. LaMotte, Francis Lampe, F. A. Lamping, T. A. Lane, Chas. Lehmer, C. H. L'Hommedieu, W. M. Lemon, Lipman Levy, F. D. Lincoln, T. D. Lincoln, George Lindemann, Henry T. Lipperd, H. P. Lloyd, Jos. L. Logan, Thos. A. Logan, Walter T. Logan, Alex. Long, Victor H. Long, Albert S. Longley, H. T. Loomis, Christian M. Lotze, John K. Love, A. S. Ludlow, Geo. H. Lundy, Staughton Lynd.

Francis J. McCabe, Anthony J. McCaffery, John J. McCarthy, William T. McClintick, J. B. McClymon, Andrew W. McCormick, Frank R. McCormick, Joseph McDougal,* Thos. McDougall, W. H. McDowell, Jacob R. McGarry, John McGrath, Alex. H. McGuffey, Nat. C. McLean, Clarence E. McMakin. John H. McMakin, William McMaster, Andrew McMicken, Jr., Wm. H. McMillen, A. McNeill, Wm. H. Mackoy, J. D. Macneale, Patrick Mallon, John B. Mannix, Herman Marckworth, A. J. Marsh, Edwin C. Martin, Wm. H. Mathews, J. B. Matson, C. Bentley Matthews, Samuel R. Matthews, Stanley Matthews, Lawrence Maxwell, Jr., S. N. Maxwell, Wm. G. Mayer, Wm. C. Mellen, H. Howard Meriam, Herman Merrell, Murray E. Merrihew, David W. Miller, Francis W. Miller, Isaac J. Miller, Samuel A. Miller, Willard Milligan, W. Gholson Miner, Chas. L. Mitchell, John J. Molloy, D. Barry Mollony, E. B. Mollony, James Mollony, Clark B. Montgomery, Herman M. Moos, F. W. Moore, Henry A. Morrill, Clarence Morris, W. B.

*Since deceased.

Morrow, Edw. Morse, John H. Morton, Charles W. Moulton, James J. Muir, James R. Murdoch, John P. Murphy, George J. Murray, John H. Myers.

William Norwood, William O'Brien, Timothy A. O'Connor, F. H. Oehlmann, M. W. Oliver, Miller Outcalt.

Alex. Paddack, Otto Palm, Jr., Walter R. H. Palm, Eugene Pannenberg, W. W. Pardee, Jos. G. Parkinson, Robert Parkinson, John M. Pattison, Alfred N. Paxton, Thos. B. Paxton, H. P. K. Peck, Hiram B. Peck, Geo. H. Pendleton, Jas. H. Perkins, Aaron F. Perry, Charles Phares, Wm. Phillips, Morris Pohlmann, John Q. Porter, W. T. Porter, David H. Pottenger, Harry R. Probasco, A. J. Pruden, Robert C. Pugh, Wm. H. Pugh, William Hartley Pugh, L. H. Pummill, J. W. Punshon.

S. N. Quinn, William T. Quinn.

Charles L. Raison, William M. Ramsey, Harvey E. Randell, D. Gano Ray, Patterson A. Reece, Edward C. Reemelin, Louis Reemelin, Thos. B. Reynolds, Channing Richards, Adolph Richter, J. Edwards Ritchie, Wm. G. Roberts, C. D. Robertson, Benj. Robinson, Jr., N. Rockhold, Jr., Fred. G. Roelker, Philip Roettinger, Jr., Benno C. Rothe, Emil Rothe, Jos. Ruffner, Rob't F. Ryman.

Morris B. Sachs, George R. Sage, John S. Sanborn, Milton Sater, John R. Sayler, Milton Sayler, Nelson Sayler, Jos. Schultz, Edward Schwab, Vincent Schwab, John C. Schwartz, Charles F. Seybold, John A. Shank, Alberto C. Shattuck, Thos. F. Shay, Wm. B. Sheppard, Chas. B. Shillin, G. W. Shinn, Murray C. Shoemaker, Charles W. Short, Jacob Shroder, C. K. Shunk, Eugene W. S. Seibert, Isaac Simon, Israel M. Simon, Chas. B. Simrall, John A. Slattery, A. J. Smith, J. C. Smith,

J. H. Chas. Smith, O. M. Smith, Rufus B. Smith, M. Snyder, Ed. M. Spangenberg, Joshua M. Spencer, F. S. Spiegel, Chas. S. Spritz, John B. Stallo, Henry Stanberry, Percival W. Steinbrecher, Werner Steinbrecher, Arthur Stem, Charles H. Stephens, J. E. Stevenson, Job E. Stevenson, Smith Stimmel, George W. Stone, R. H. Stone, R. H. Stone, Jr., Bellamy Storer, Luther M. Strafer, W. F. Straub, Dudley W. Strickland, William Strunk, Peter J. Sullivan, Robert J. Sullivan, L. H. Swarmstedt, C. S. Symmes, W. W. Symmes.

Gustav Tafel, Alphonso Taft, Chas. P. Taft, William H. Taft, Wilson S. Taylor, Ambrose Temple, Oliver H. Temple, Jordan H. Thomas, Geo. H. Thompson, Samuel J. Thompson, J. C. Thoms, Ferd. A. Thomson, Everett S. Throop, Howard Tilden, Myron H. Tilden, Fred. Tischbein, Geo. R. Topp, Wm. Travis, John A. Trimble, Benj. C. True, Wm. M. Tugman, A. J. Tullis, Wm. S. Turner, H. B. Turrill, Reuben Tyler.

Henry Van Matre, Frederick Vogeler, August R. Von Martels, John R. Von Seggern, Chris. Von Seggern. G. VonSteinwehr, August Vos.

Gustavus H. Wald, Jos. N. Walker, Julius Walter, Andrew P. Ward, Durbin Ward, A. M. Warner, Fred. E. Warren, C. B. Warrington, J. W. Warrington, Asa W. Waters, Charles A. Watson, James Watson, Wm. F. Webb, Chas. Weber, Benj. S. White, James S. White, Henry C. Whitman, W. H. Whittaker, W. H. Wiggins, Charles B. Wilby, Joseph Wilby, E. N. Wild, E. Cort Williams, W. G. Williams, Wm. H. Williamson, Dillon B. Wilson, Edw. N. Wilson, Gideon C. Wilson, Manly D. Wilson, Moses F. Wilson, R. B. Wilson, Wm. J. T. Wilson, John Flack Winslow, Jacob Wolf, Edward E. Wood, John H. Woodward, Chas. W. Wooley, Geo. W

Worthington, William Worthington, D. Thew Wright,
Harry L. Wright, Irvin B. Wright, Drausin Wulsin.

Alfred Yapple, Walker M. Yeatman, Thomas L.
Young.

Robert Zahner, Peter Zinn.



